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OFFICIAL REPORT
(HANSARD)

Tuesday, January 30, 2007

—
**THE HONOURABLE NOËL A. KINSELLA
SPEAKER**



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, January 30, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE SENATE

CONGRATULATIONS TO NEW AND OUTGOING LIBERAL LEADERSHIP

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is my pleasure to rise today and offer my sincere congratulations, and those of my colleagues on this side of the chamber, to the new Leader of the Opposition in the Senate, the Honourable Céline Hervieux-Payette.

Earlier this month, Senator Hervieux-Payette was appointed to her new position by the leader of the Liberal Party and the Leader of the Opposition in the other place, the Honourable Stéphane Dion. As we are all aware, Senator Hervieux-Payette has enjoyed a long and distinguished career in both the private and public sector as a lawyer and a businesswoman, as a member of the House of Commons, and as a Minister of State in Pierre Trudeau's cabinet. Since her appointment to the Senate by Prime Minister Chrétien in 1995, Senator Hervieux-Payette has vigorously participated in many debates on issues of particular concern to people in this chamber, to herself and to the public.

As senators, we have an obligation to Parliament and to the Canadian public to be mindful of our responsibilities and respectful of what is expected of us.

• (1405)

I sincerely look forward to working with Senator Hervieux-Payette in our respective roles because there is so much to be done. I am sure there will be a great deal of cooperation and mutual support.

I also want to congratulate Senator Tardif and Senator Cowan as they assume their roles as opposition deputy leader and opposition whip. I want to say a special word to Senator Cowan. Having once held the position of opposition whip myself, his responsibilities will be onerous, to say the least.

I also take this opportunity to thank Senator Daniel Hays for his work as Leader of the Opposition. Over the past year I have had the opportunity to work closely with Senator Hays. We have had many vigorous discussions and debates, in private and in this place, and I hope Senator Hays will agree with me that those exchanges have been, for the most part, not only substantive but respectful as well. He will certainly continue to be a valuable member of the Senate of Canada for many years to come.

In closing, once again, I congratulate Senator Hervieux-Payette on this appointment and I look forward to working with her closely as the days progress.

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to thank my honourable colleague for her laudatory words. This is the first time in our Parliament's history that two women have held the positions of Leader of the Government and Leader of the Opposition simultaneously. I am sure that my colleague opposite is just as proud of this memorable milestone as I am.

Although it is often our job on this side to disagree with her and her government on political and strategic issues and approaches, we nevertheless admire the devotion and conviction she brings to fulfilling her responsibilities as a public office holder.

As I take on my duties as Leader of the Opposition, I must also congratulate the former leader, my colleague Senator Hays, on his invaluable contribution to the work of this House, particularly during a difficult time of transition from government to opposition. A former Speaker of the Senate, he fulfilled his heavy responsibilities with the talent and wisdom of a great parliamentarian well-versed in the traditions and procedures of this House and with the dignity and aplomb of a seasoned diplomat. I think mastery of the political arts is in his genes.

I hope that we can continue to count on his sage advice during the weeks and months to come.

[English]

I also wish to highlight the important contributions made by Senator Fraser and Senator Cook who assisted Senator Hays most ably as deputy leader and whip of the opposition throughout the last year. We are grateful to them and to their dedicated staff and commend their good work.

[Translation]

Honourable senators, I am deeply touched by the trust that the new leader of the Liberal Party, the Honourable Stéphane Dion, has placed in me by appointing me Leader of the Opposition. I will work hard to prove myself worthy of that trust by helping him to ensure a strong and vigilant opposition to the government and to promote the values, ideals and philosophy of the Liberal Party. I will stand with him as we express, loud and clear, from sea to sea, how proud we are to be Canadian.

We are indeed very proud to be part of a country that, in its 140 years, created on this continent a model civilized society where tolerance, justice and equality are not just dreams, but reality for our fellow citizens. In this country, this nation, citizenship does not depend on language, borders, or blood, but on shared values and ideals that arise from a single basic principle: respect for the dignity of every human being.

[English]

From that principle have come concrete and progressive measures that make up the social fabric of our nation, from medicare to old age pensions, to the Charter of Rights and Freedoms and countless others.

Although we take great pride in our country and in our accomplishments while in government, we fully realize that our immediate task is to provide a diligent and effective opposition to the government. We must do so by submitting government policies and programs to careful analysis and thoughtful criticism: in short, engage in a continuous sequence of questions and answers with the government, demand transparency, denounce injustice and protect minorities.

That is our challenge and responsibility, honourable senators, and the commitment to which we are resolved.

• (1410)

THE LATE GERALD TURNER

Hon. Hugh Segal: Honourable senators, I rise today to pay tribute to Gerald Turner, who passed away last week in his eighty-second year. The accomplishments and service to Canada that defined Mr. Turner also define an entire generation of Canadians who we are beginning to lose to the passage of time.

This generation lived through the Depression, fought for our freedom and that of the world, built this country and sustained her values and traditions, and did so in a quite unassuming way as they built families, neighbourhoods and communities.

Gerald Turner was born in Saltford, England, in 1924, joined the Royal Air Force in the Second World War, serving in India, Africa and Burma. After the war, he helped to start the Indian Air Force. Moving to Canada, he continued to fly, assisting our country in the Commonwealth plan to bring agricultural staff to India and Pakistan.

Upon his return home, he became a leading force in the important geological and cartography surveys of the Western Arctic on which we still depend. His support of the cause of freedom continued when he flew supplies to the DEW Line and the Pinetree Line, defensive perimeters guarding our continent's North against Soviet bomber and missile threats.

Mr. Turner served as a pilot with Search and Rescue in Newfoundland and Labrador and completed his flying career flying helicopters for Ontario Hydro, helping to build the very electrical infrastructure that made Ontario grow and prosper, and ensuring the integrity of our lines and towers in this great province.

Through all of this, he married, and he and his wife, Lois, built a home and raised a family that reaches right across Canada. This intellectual, mild-mannered, athletic and always humorous raconteur was part of a generation that understood duty, that built Canada, that made this world a safer place and this country simply the best in that world.

His grandchildren, Jesse, Lauren, Rowan and Joshua and great-grandson Gavin, will in the years ahead be able to reflect on the grandfather they loved, and all those like him of his

generation, who built the very country and way of life we cherish for all our children; and they will understand not only how powerful that inheritance is, but how much we owe Gerald Turner and those of his generation for what they quietly did for us all. May God bless them all.

LIVING IN POVERTY

Hon. Art Eggleton: I rise today to speak about a systemic social issue that affects millions of Canadians. It is an issue that angers many of us, and it is one that we have not done enough to combat. It affects Canadians of every age, from the very youngest to the eldest. I am speaking about Canadians living in poverty.

The numbers and statistics are staggering. Over 4.8 million Canadians are living in poverty; 1.2 million of these are children. In Toronto, the city that I come from, 67,000 households are waiting for affordable housing. That means that if the family is looking for a small bachelor unit, the wait time is one to five years. If they need a one-bedroom unit, the wait can be from seven to 10 years. A two-bedroom unit takes five to 10 years; and if they have a large family, it can take anywhere from 10 to 12 years. This is a completely unacceptable situation.

Calgary has a homeless population of 3,400. What is more shocking is that the number of homeless has increased by more than 30 per cent in over two years.

In Ontario, at least 330,000 people are forced to use food banks each month. This number has grown by almost 20 per cent in the last five years, twice the rate of the population growth.

Some 6.7 million Canadians eke out an existence that is less than \$20,000 a year. That figure is one half of the average income.

This is just a small sampling of the numbers. This is a problem, honourable senators, that needs to be dealt with; it needs all our leadership.

We need to help in the development of a strategy to combat poverty in Canada. We need to see what options will help break the cycle of poverty. How important is an increase in the minimum wage? How do we address the waiting lists for affordable housing? Are we doing enough to help single parents work? Are we offering parents a choice in child care? Is education accessible to all? What do we do to help those who are homeless? What programs are needed for children going to school hungry?

• (1415)

We have had success in the past. A number of years ago we made a concentrated effort to reduce poverty in our senior population. In 1980, the poverty rate among seniors was 28.4 per cent but with programs such as Old Age Security, the Canada Pension Plan and the Guaranteed Income Supplement, poverty amongst seniors has dropped to 13.1 per cent. There is still room for improvement but let us extend the successes here to others who live in poverty in Canada.

The report under the name of Senator Croll in 1971 gave us an opportunity to act on poverty, to make a difference. The Senate did good work with that report and it is still referred to

today. However, we need to update that work, and I hope that between the studies undertaken by the Standing Senate Committee on Agriculture and Forestry and the Standing Senate Committee on Social Affairs, Science and Technology we will be able to do that. The Agriculture Committee is currently studying rural poverty. The Social Affairs Committee, which I chair, will launch a study on Canadian cities shortly and will start by examining poverty, housing and homelessness.

We need to capture the energy of these reports and develop a national strategy to combat poverty.

BLACK HISTORY MONTH

Hon. Donald H. Oliver: Honourable senators, I rise today to call attention to the importance of February as Black History Month in Canada. We celebrate Black History Month each year to honour the legacy of Black Canadians, past and present, for their contributions and sacrifices that form an indelible part of Canada. More important, honourable senators, I am here to tell you that there is still much work to be done. Prejudice, discrimination and racism are still words that define the everyday lives of too many Black Canadians. Black History Month should be a history of reflection because, regrettably, Black people still face systemic barriers in both the private and public sectors. The month provides all of us with an opportunity to think, listen, read, hear and sense what Black Canadians have encountered in order to seek equality with the White majority. It is an opportunity for all of us to contemplate the vital role that Blacks have played throughout our shared history.

This year, I will be actively engaged in a variety of activities during this special month. Beginning on February 1, I will be the keynote speaker in Toronto to launch the month-long series of activities of the Bank of Montreal. Later, I will be privileged to participate in a variety of cultural activities with Her Excellency Michaëlle Jean, Governor General of Canada, during her three-day visit to the province of Nova Scotia. Later in February, I will be the keynote speaker at the main auditorium of the Ottawa headquarters of the Canadian Security Intelligence Service to deliver an address on diversity and pluralism. I have been asked to speak at a number of schools throughout the country during the month. It is important that all of us continue to echo words of hope as we celebrate our diversity in Canada. Honourable senators, I cannot stress how important it is to celebrate all cultures that have contributed to our mosaic and to the values that make us Canadian. This celebration must embrace all Canadians, including Black communities from coast to coast because they, too, are part of our history.

This year is also a year of celebration for Black Canadians in honour of the four hundredth anniversary of our presence in Canada. Mathieu Da Costa, a Black Portuguese navigator and explorer, came to the New World with Samuel de Champlain in 1605. His contribution has been largely left out of the Canadian history books but, in the 400 years since Da Costa's arrival, there have been profound changes in the Black community. Slavery existed in Canada from 1628 to 1834. Black History records in the *Halifax Gazette* show an ad that said, "to be sold at public auction on the 3rd of November, two slaves — a boy and girl — about 11" When the United Empire Loyalists migrated to what would become British North America, 10 per cent of them were Black. In 1793, the Abolition Act passed in Upper Canada making it law that no new slaves could be brought into Upper Canada.

In 1958, William O'Ree broke the colour barrier and became the first Black hockey player to join the NHL. It was not until the 1960s that Ontario's last segregated school closed its doors. In Nova Scotia, it was after 1968 when the law clarified that Black Canadians could be buried in White cemeteries. Only then did it become apparent to Black Canadians that segregation was disappearing.

Honourable senators, the Honourable Lincoln Alexander was the first Black Canadian member of Parliament and was elected to the House of Commons in 1968. He was later appointed Lieutenant-Governor of Ontario in 1985, and he was the first Black person to serve in a viceregal position in Canada.

• (1420)

Black History Month is to remind Canadians that, even though slavery has been abolished and segregation has become a thing of the past, the fight against systemic racism still continues. It must be exterminated from our society. Celebrating Black History Month and culture is a way to bring about the awareness of equality for all so that Martin Luther King's dream can be realized.

Honourable senators, that is the Canada I want and that is the Canada we must build.

THE SENATE

CONGRATULATIONS TO OUTGOING AND NEW LIBERAL LEADERSHIP

Hon. Mobina S.B. Jaffer: Honourable senators, I rise today to recognize the work of three senators who have worked extremely hard on our behalf in the last year. In 2006, there has been a real transition on our side after 13 years in government. That transition on its own would have been difficult, but adding to this work have been debates on Senate reform, along with the increased scrutiny that has been brought to this chamber. The leadership on our side has faced not only challenges of managing a large caucus in opposition, but has also seen us through the turmoil that has naturally accompanied a period of change for our party.

Honourable senators, I would like to take this opportunity to acknowledge the work of Senator Hays as Leader of the Opposition in the Senate. We have all had the opportunity to work with Senator Hays. My own relationship with him started in 1994, when he was President of the Liberal Party of Canada and I was serving as vice-president. We worked very hard, including travelling abroad to present the party. We also pushed hard at home to promote a number of important issues, including policies to promote the equality of women. I was honoured to have the chance to travel with him as part of the Speaker's delegation to India. To travel to my country of origin with such a great friend, and see him treated with such respect as we met with important officials and visited historic sites, was a source of great pride for me.

As the Leader of the Opposition, Senator Hays also took the time to work with us on issues we have raised and was responsive to our concerns. Senator Hays has worked in an extremely difficult and demanding job and I know that all honourable senators will want to thank him for his efforts on our behalf.

Senator Fraser has also worked in an extremely demanding job as Deputy Leader of the Opposition. I have had the pleasure of working closely with Senator Fraser since being appointed in 2001, on the Special Committee on the Anti-terrorism Act and again on the Public Safety Act as she chaired the Transport and Communications Committee. While we have not always agreed on every issue, I have always had the greatest respect for her ability to put forward her point of view clearly while still remaining open to other arguments. She is someone who always decides the best course of action based on the merits and facts available. Senator Fraser has faced a demanding task as the deputy leader with the same poise and panache I have come to respect in her. I want to thank her for those efforts and I look forward to continuing to work with her.

Senator Cook and I first met when I ran for President of the Women's Liberal Commission. She not only campaigned for me but has taught me many things that have helped me work better in my role as senator. Senator Cook has worked with all of us under very difficult health circumstances. She has soldiered on without so much as a complaint despite the enormous challenges she faced as the whip of a large Senate caucus. Her style has shown us that you can indeed catch more flies with honey than with vinegar.

Honourable senators, I know you will all want to join me in thanking Senators Hays, Fraser and Cook for their hard work on our behalf.

Honourable senators, I would also like to welcome to this side and congratulate Senator Hervieux-Payette, Senator Cowan and Senator Tardif who have risen to take on these challenges which, I know, they will take on with great vigour.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to call your attention to the presence in the gallery of a delegation from the Northwest Territories, including Chief Charlie Neyelle and Lucy Jackson. They are the guests of Senator Sibbeston.

Welcome to the Senate of Canada.

• (1425)

[Translation]

QUESTION PERIOD

INDUSTRY

PURCHASE OF MILITARY AIRCRAFT FROM BOEING COMPANY—REGIONAL SPINOFFS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I am pleased to rise here today in this illustrious chamber as Leader of the Opposition, and in particular

as a representative of those Canadians who live in the regions and who self-identify as belonging to a minority, whichever minority that may be.

I would also like to commend the Leader of the Government. I am delighted to have the opportunity to debate with you, honourable senators, these topics that concern Canadians, thereby helping our citizens, at the appropriate time, to make clear choices among the values that we all defend and that lead us to aspire to such different societies.

My question today is for the Minister of Public Works and Government Services, Senator Fortier. I would remind the Senate that the Minister of Public Works and Government Services was appointed to his position primarily to allow the greater Montreal region to have a voice within the Cabinet. Montreal, as we know, is the hub of the Quebec aeronautics industry. This industry is, understandably, one of the jewels of the Quebec manufacturing sector. Quebec is home to nearly 60 per cent of the Canadian aeronautics industry, which represents approximately 40,000 jobs. Thus, one might compare the importance of the aeronautics sector in Quebec to that of the automobile sector in Ontario. In both cases, they are the driving forces of the economy and translate into hundreds of millions of dollars in investments and tens of thousands of specialized, well-paid jobs. These industries are integral to the economies of their respective provinces.

However, their government decided to go ahead with the purchase of C-17 military aircraft — which, I would like to point out, did not go to tender — from Boeing, an American company. One of the conditions for the purchase, valued at several billion dollars, is the economic benefit tied to the manufacture and maintenance of these aircraft. It would seem logical, since the aeronautical industry in Quebec is mainly concentrated in the Montreal area, for the majority of the benefits to go to that region. In any case, that was the reasoning of the Quebec minister of economic development, Raymond Bachand, who told the Canadian press on January 20, and I quote:

Quebec should have a large part of that because it also makes economic sense. Quebec is not being overly nationalistic, no more than when it is a matter of other industries concentrated in other provinces.

He seemed to be in complete agreement with the Minister of Public Works and Government Services. That same day, the latter stated in *La Presse*, and I quote my honourable colleague,

What we want is for the benefits to go to those areas where there is already a strong presence. Given that this presence is very significant in the Montreal area, there will be significant benefits.

Last week, Radio Canada reported that Minister Fortier was attempting to guarantee at least 40 per cent of the economic benefits for the province of Quebec.

First of all, could the Minister of Public Works and Government Services perhaps tell us if he gave the Minister of National Defence what he wanted and if he signed the contract for the Boeing aircraft without, apparently, a clause specifying the economic benefits? Second, what are the economic benefits for each Canadian region?

[Senator Jaffer]

• (1430)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

Some Hon. Senators: Oh, oh!

Senator LeBreton: The question concerns regional development and Minister Fortier is the Minister of Public Works.

Senator Fox: He is signing the contract.

Senator LeBreton: That is correct, but this is a different issue.

As I have said to Senator Hervieux-Payette's predecessor, you must not always believe everything you read in the newspapers.

Negotiations with companies are confidential, and therefore we are not in a position to comment on them. When we have an announcement to make on this purchase, we will make it.

This government and its ministers have no intention of interfering in the regional distribution of the contracts. Canada's industrial and regional benefits policy encourages the involvement of our regions but it does not tell contractors which Canadian companies to work with. Contractors will undertake business activities that make good business sense to them.

Our government's objective is to get the best industrial benefits package, one that is high quality, high technology, and has long-lasting economic consequences. The minimum benefits required in some regions are safeguards to ensure that contractors in single-supplier situations consider business activities in all regions of Canada.

The real story here is how our government is addressing the military's need for new equipment after being starved by the Liberal government for 13 years.

[Translation]

Senator Hervieux-Payette: Honourable senators, I would like to ask an additional question. I should mention that I am not at all in favour of the term "interference".

When a government makes a commitment to sign a \$3.4 billion contract on behalf of Canadians to purchase the latest military equipment, it seems to me that such a contract should be signed with clauses that are defined by the client and bind the company selling that equipment.

The industry minister, Mr. Bernier, stated that he was not interfering because this was a private matter.

Can the Leader of the Government in the Senate, on behalf of her government, define what is meant by a private matter? And if she does not have the definition at present, can she send it to me in writing?

[English]

Senator LeBreton: Honourable senators, this is a case of a particular purchase that is required for the military. When the contracts are signed, they will be made public. As the Minister of

Industry and the Prime Minister have stated, once the contracts are signed it will be up to the companies to make the necessary arrangements with regional suppliers.

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT— EFFECT ON SENIOR CITIZENS

Hon. Grant Mitchell: Honourable senators, along with many others, thousands of Canadian seniors were fundamentally betrayed when they took the Conservative Party at its word and invested in income trusts based on the solemn promise that if they became the government, the Conservatives would not change the structure of income trusts.

The sting of this betrayal was exacerbated when the Leader of the Government in the Senate said: "... I have not seen any evidence that individuals have lost large sums of money."

Now that the honourable senator is the newly minted advocate for seniors, will she at least admit that this broken promise has had a devastating impact on many Canadian seniors who have to live on limited and often fixed incomes?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for that question.

I said in follow-up several days after that initial question that I did not know of anyone personally. I indicated that was my personal knowledge of the situation. I do regret that some seniors were affected by this measure.

Senator Mitchell: Some?

• (1435)

Senator LeBreton: Those of you who had an opportunity this morning to watch the Minister of Finance before the committee in the other place will know the importance of the decision. It was not an easy decision for him to make, but it was a necessary decision to take swift action on the whole issue of income trusts. The minister explained this morning, as he did when he made the announcement initially, that there would have been a serious impact on the tax base of the country. It has been supported by many provinces.

With regard to seniors specifically, I am pleased that the Prime Minister has given me the additional responsibility of Secretary of State for Seniors. It is a position that we promised in the campaign. I have met with seniors' groups and many seniors since I was handed this portfolio.

While some have written to me and discussed the income trust issue, overwhelmingly, the seniors that I have encountered are extremely pleased that the government embarked on pension income splitting and increasing the age credit at the same time.

We are looking at many things in terms of seniors. The seniors portfolio is interesting because seniors have varying interests and concerns. I will work hard to represent issues with regard to seniors at the cabinet table and in the government. I can only promise to seniors that I will do what I have always done, namely, work hard at it and do the best I can.

Senator Mitchell: The minister's hard work may not pay seniors' bills.

The Minister of Finance has defended his income trust betrayal based on this tax leakage argument, but he is not clear, despite the magnitude of this decision, about exactly what the tax leakage might be. It ranges anywhere from \$500 million, escalating as the heat on this issue has escalated, up to \$1.3 billion, while Canadians have lost \$30 billion.

Is the Leader of the Government and the Secretary of State for Seniors aware that it will take somewhere between 25 and 60 years to leak in tax what investors lost in two or three days because of the betrayal of this government?

Senator LeBreton: The Minister of Finance explained this morning that the estimated annual tax loss that he initially talked about on October 31 was based on conservative assumptions. If anything, the \$500 million figure mentioned last fall understates the federal revenue loss in 2006. As a matter of fact, this revenue loss is substantial.

With regard to seniors who were pleased by the decision of the government to allow pension splitting and raising the age credit amount, the Canadian Association of Retired Persons, now called Canada's Association for the Fifty-Plus, applauded the government and the minister and said the following:

CARP commends Minister Jim Flaherty for adopting a prudent approach to his new policy regarding Income Trusts.

With respect to the honourable senator's reference to the figures on the income trust side, I ran into some seniors the other day who had money invested in income trusts but also in other stocks. They pointed out to me that the monies they lost in the income trusts more than made up in other stocks.

• (1440)

Senator Oliver: That is exactly the case. That is correct.

Senator LeBreton: It depends on the person who was handling the trust accounts. In addition, the seniors were pleased to know that they would be able to participate in pension income splitting.

I am becoming more involved in this file. As we proceed with Minister Flaherty's tax fairness plan, I do believe that this government will certainly hear seniors, and action will be taken to make the lives of our seniors much easier, because they certainly have earned it. After all, they were the ones who paid their bills, raised their children and tried to make this country a better place.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSED NATIONAL CHILD CARE PROGRAM

Hon. Marilyn Trenholme Counsell: Honourable senators, my question is for the Leader of the Government in the Senate. We all know that there is a huge paper shredder in the Conservative government offices, a shredder that has chewed up Kelowna,

Kyoto and our child care agreements. Yet, 77 per cent of Canadians say there is a serious lack of child care spaces in Canada. Yes, 10 agreements were shredded or will be at the end of March.

Prime Minister Harper looked first to the business community to bail him out or to cut deals, but businesses in general said "no". Yesterday, I visited some wonderful daycare facilities in Montreal and the workers and parents there are anxious, just like all parents and child care workers across this land. I should probably say most parents are anxious. On December 4, 2006, Diane Finley, declared in the House of Commons, "... we are right on schedule to introduce our incentives to encourage new child care spaces, as we promised, on April 1 of next year."

Will your government fulfil its promise of 25,000 new spaces in 2007-08 and each year thereafter for five years? Will your government fulfil its promise and not just encourage and offer tax credits?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Trenholme Counsell for her question.

We now have a new minister, Minister Solberg. Our commitment to create new child care spaces is set to follow the expiration, as the senator pointed out, of the previous government's funding agreements, which, I hasten to remind honourable senators, was referred to as a "death bed repentance" by the previous government. Who said that honourable senators? None other than Tom Axworthy made that statement. Last fall, we created a ministerial advisory committee to provide advice on how to proceed with the design of the child care spaces initiative. We will be looking forward to the committee's recommendations.

As Senator Trenholme Counsell knows, child care needs differ from one part of the country to the other. Child care needs also vary depending on the size and location of the centre.

The government is committed to our child care initiative, and we are awaiting the results of the review. Minister Solberg has stated that he is eager to make progress in this area, and now that I am a junior minister in his department, perhaps I will be involved in some of these discussions. I would be happy to provide Senator Trenholme Counsell with any updates on this very important issue.

Senator Trenholme Counsell: Last June 13, when I spoke on this subject and introduced an inquiry, I clarified this "death bed repentance." I do not think Mr. Axworthy had done his research perhaps as well as some of us who have been working in the field. Actually, the Liberal Party of Canada began this program under the Right Honourable Jean Chrétien in the early 1990s, when ministers of family and community services across this land met in Victoria with the leadership of none other than the Honourable Stockwell Day, who was very enthusiastic. The stumbling point was that some of the provinces were not prepared to sign the 50-50 agreement and we had to wait. Under the Right Honourable Paul Martin and the Honourable Ken Dryden, we brought in a plan where the federal government would provide money based on certain criteria, especially quality and inclusiveness.

• (1445)

Talking about “deathbed repentance,” this government’s seeking advice from experts is something new. I guess it is another example of being born again. We have heard “born again” on the environment and now “born again” on seeking advice from experts. I never heard the likes of that until lately. That change is good news.

I want to ask a supplementary question: Why have we heard nothing about this report, which I believe has been in the hands of the government at least six weeks and maybe two months? Why is it in hiding?

My second question is, does this rebirth include non-profit organizations, which in so many cases offer excellent, quality early childhood development programs? However, these non-profit groups are in no position to benefit from tax credits.

How does the government intend to help non-profit child care organizations create new spaces?

Senator LeBreton: I wish to thank the Honourable Senator Trenholme Counsell for the question.

As I have pointed out on many occasions, last January 23, the Canadian public voted for the Conservative government. They did not vote for a continuation of the Liberal government. We made it clear in the election campaign that we had a specific plan for child care. It is not a case of being “born again.” I would not know anything about being born again. I was born once and I think that is enough for most people.

In any event, the honourable senator asks where the report is. She must understand that we have a new Minister of Human Resources and Social Development. In proper and good time, he will address this issue. He is a conscientious individual. I am certain that he will come forward with the Conservative government’s plan in this area as quickly as possible.

I am amazed that the Honourable Senator Trenholme Counsell thinks it is not proper to consult experts. We had the honour a few days ago in that same Department of Human Resources and Social Development to name an expert panel on older workers. We named a retired senator as the chair of that expert panel, Senator Erminie Cohen from Senator Trenholme Counsell’s province, and I would like to think she will not be frowned upon because she is considered an expert in the area.

As a matter of fact, when Senator Eggleton was talking about poverty and this issue being around for such a long time, and he referred to the work done by Senator Croll, but he forgot to mention an equally important and just as widely publicized report on poverty by one Senator Erminie Cohen.

FOREIGN AFFAIRS

PASSPORT CANADA—BACKLOG OF APPLICATIONS

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government and Secretary of State for Seniors.

Passport Canada, as we all know, is overwhelmed with applications and the delays are getting longer and longer. What used to take roughly 20 business days now takes approximately twice that amount of time.

The Conservative government knew for some time that this United States passport requirement was coming into effect this month. Why did this government not do more to prepare for the expected increase of passport applications that everyone could see was coming?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I wish to thank the honourable senator for her good question. The Conservative government did see this coming. A great deal of preparation and effort was put into this requirement. Even though many people were aware, unfortunately a great number of our own fellow citizens felt that this requirement would not happen or that there would be no delay. There was a great deal of activity in the last month or so. The January 23 deadline has now passed. I have been told that Passport Canada is still processing thousands of applications. I think they are printing up to 20,000 a day. Members of Parliament on all sides of the house have had passport clinics in their constituency offices. The government applauds the people who have worked long hours processing these applications. It will now be up to all of us in government and who deal with the public to ensure that our fellow citizens know that the next step will be the requirement of passports for people crossing the border by car.

• (1450)

I think it is incumbent on all of us to tell our fellow citizens that rather than putting this off or thinking the date may change, — and the government will certainly do its part in informing the public — if they want to cross the border they must have their passports. If they start now, by next year they will already have the proper document to cross the border by car.

Senator Callbeck: I applaud the people working in the passport offices too, but what this government has done is simply not acceptable. People are lining up in the middle of the night at passport offices. I hear now that anyone who wants a passport by the end of March is advised to go to a passport office.

One problem is that in Prince Edward Island we do not have a passport office. Islanders must go to Fredericton or Halifax. They must take two days off work, and pay for their lodging, the bridge toll and transportation costs plus extra fees for the passport. These costs all add up to high expenses which, of course, are difficult for low and medium income families.

I want to know what this government will do to clear up the delays and ensure that Canadians can get their passports in a timely manner.

Senator LeBreton: Thank you, Senator Callbeck, for that question. As I have already explained, the passport offices have increased their staff. They are working extremely long hours. Individual members of Parliament across the country have held special passport days in their constituency offices where people go and fill out their passport applications, and their member of Parliament ensures that the applications arrive at the passport offices. A lot of people have helped to deal with this

situation. People, even some in my own family, stood in the lineup, then called me to solve it for them. I said, "You have known about this for a year. Why are you calling me now?"

The government has worked extremely hard to inform the public. Members on all sides have worked hard for their constituents to help them fill out their passport applications properly.

Apparently the backlog that surrounded the January 23 date is now starting to subside. It is incumbent upon the government in particular and also members of Parliament in both Houses, when people inquire about this requirement, to inform them that there is little likelihood the Government of the United States will completely change their laws and rules about crossing the border by car. People would be well advised to apply now for their passports.

• (1455)

[Translation]

THE ENVIRONMENT

COMBATING GREENHOUSE GAS EMISSIONS— USE OF THE ENVIRONMENTAL PROTECTION ACT

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

We all know that the Conservatives' supposed green revolution is nothing but smoke and mirrors. What other explanation could there be for the fact that, less than nine months ago, the Prime Minister stated that he did not recognize the supposed existence of greenhouse gases? Why are the Conservatives saying that the Liberals did nothing, when they are recycling several of our energy programs? The government has the means to act immediately. Why, then, does it not use the Canadian Environmental Protection Act to set limits immediately on major polluters?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Prime Minister said no such thing. We are part of a party that had a Prime Minister who was recently given the award as the greenest Prime Minister in history.

As the Prime Minister said when he was doing his year-end interviews, clearly the Canadian public wanted more attention paid to how environmental issues are handled. He has taken action.

The government had been working on several plans throughout the summer and fall. It is pretty well acknowledged that this time last year — and it was not just the case of our government, but all political parties, and the polls show it — environment was not an issue that was the top of the minds of the Canadian public. It has since become so, which is good.

This government is committed to taking action. All of us want clean air to breath and clean water to drink; and we want to know that when we buy products to clean our homes or to eat that they

are as free of toxins as possible. It is not a partisan issue; it is something we do for all Canadians, no matter what their political stripe.

I am happy with the initiatives that the Prime Minister, Minister Baird and Minister Lund have taken thus far. As was pointed out as recently as today in an editorial in *The Toronto Star*, the previous government talked about it but did nothing.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to two oral questions raised in the Senate. The first response is to a question raised by Senator Hays on December 14, 2006, in regard to Senate appointments — nominees in a consultation — Constitution credentials. The second is in response to a question raised on December 7, 2006, by Senator Fox in regard to intergovernmental affairs — limitations on the exercise of the federal spending power.

SENATE APPOINTMENT CONSULTATIONS BILL

NOMINEES IN A CONSULTATION— CONSTITUTIONAL CREDENTIALS

(Response to question raised by Hon. Daniel Hays on December 14, 2006)

Bill C-43, the Senate Appointment Consultations Act, does not propose any changes to the Constitutional qualifications or disqualifications of Senators, which will continue to apply unchanged to persons summoned to the Senate by the Governor General. The qualifications for Senators are set out in section 23 of the Constitution Act, 1867, including the age, citizenship, property, and residence requirements. Disqualifications are set out in s. 31 of the Constitution Act, 1867, including bankruptcy and ceasing to be qualified by property or residence.

To be eligible as a nominee in the consultation process, persons will have to meet two of the existing Constitutional qualifications at the time of nomination: they will have to be thirty years of age, and be Canadian citizens. The remaining qualifications, including the Quebec real property qualification in section 23(6), will apply to selected nominees at the time of appointment, as is the case for Senators appointed now.

This approach facilitates at-large Senate consultations, including in Quebec. It also allows time between the consultation process and appointment for selected nominees to comply with the other requirements, over which they presumably have a greater degree of control than over age and citizenship. The approach thereby seeks to make the process as accessible as possible to nominees, while respecting the constitutional qualifications.

The power to determine whether a Senator meets the constitutional qualifications, vested in the Senate itself by section 33 of the Constitution Act, 1867, also remains unchanged.

[Senator LeBreton]

INTERGOVERNMENTAL AFFAIRS

FEDERAL PROGRAMS—OPTION OF PROVINCES TO DECLINE INVOLVEMENT

(Response to question raised by Hon. Francis Fox on December 7, 2006)

The Government of Canada values an approach to federalism that fully respects provincial jurisdictions. A key element of such an approach involves the exercise of the federal spending power. Concerns have been raised in the past that federal initiatives have often imposed new conditions and cost pressures on provincial and territorial governments. Increased federal spending in areas of primarily provincial responsibility often:

- resulted in strains between the federal government and the provinces and territories in cases where expenditures were undertaken without adequate consultation or consensus on priorities;
- created new cost pressures on provincial and territorial governments, potentially distorting their spending priorities, particularly where initiatives required matching funds; and
- increased uncertainty where initiatives were introduced without long-term, stable federal funding.

The combined effect of increased federal spending in areas of provincial responsibility and a lack of focus on areas of clear federal responsibility, has been to raise concerns over increasingly blurred lines of accountability that make it more difficult for Canadians to determine which order of government should be held accountable for specific policies and initiatives.

Given these concerns, the Government of Canada believes the use of the federal spending power should be based on clarity of roles and responsibilities. This is essential to ensuring that Canadians can hold their governments accountable. It also requires respect for provincial areas of responsibility, a focus of federal efforts on reform and funding in core federal areas of responsibility, as well as the appropriate matching of revenues to expenditure responsibilities.

Consequently, the Government has made clear commitments with regard to the federal spending power. In Budget 2006, the Government tabled a paper entitled *Restoring Fiscal Balance in Canada* which states that, "In keeping with the Social Union Framework Agreement (SUFA) signed by the federal government and all provinces other than Quebec in 1999, the Government of Canada will limit the use of the federal spending power in areas of provincial responsibility to ensure that:

- new shared-cost programs in areas of provincial responsibility have the consent of the majority of provinces to proceed; and

- provinces and territories have the right to opt out of shared-cost federal programs with compensation if they offer similar programs with comparable accountability structures."

These commitments were subsequently reiterated in *Advantage Canada*.

The Government is committed to making federal spending more transparent, accountable and disciplined, while creating greater opportunity for Canadians in all parts of the country.

INTERNATIONAL BRIDGES AND TUNNELS BILL

MESSAGE FROM COMMONS— SENATE AMENDMENTS CONCURRED IN

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-3, respecting international bridges and tunnels and making a consequential amendment to another Act, to acquaint the Senate that the House of Commons has agreed to the amendments made by the Senate to this bill, without amendment.

● (1500)
[English]

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Hugh Segal: Honourable senators, I rise in my place today to support the motion for second reading made by my leader in this place some time ago. I do so in the hope that in view of the relatively short nature of Bill S-4, the bill which calls for the limitation of Senate tenure, and in view of the fact that should it be given second reading in the proximate future, there will be ample opportunity in committee for members of the house on all sides who have legitimate and specific concerns to address them at that time.

The committee so ably chaired by Senator Hays did rather extensive work on the subject matter of the bill. May I say parenthetically, as one of the class of 2005, how delighted I was to see the elevation of Senator Hays to Her Majesty's Privy Council for Canada. It will be a great honour for the council to have him as part of that distinguished group of Her Majesty's Canadian advisers.

I make the case for the advancement of this legislation now through this place because I believe we would be serving the quality of constitutional debate if we let this matter move forward to committee for further thoughtful consideration. I point out as a matter of public record for senators on all sides that the committee which studied the subject matter did very extensive and thoughtful work. It was my privilege to be a member of that committee. Some 26 witnesses appeared before that committee with differing and constructive views. The staff of the committee did outstanding work. Many of the people who have strong views in this house had the chance as well to participate in the deliberations before that committee.

We now have legislation before us that deals with one minimal aspect regarding the Senate; namely, the length of tenure. I do take note of the concerns expressed by all sides about how this bill fits in the larger plan. We now have a bill in the other place that deals with the way in which Canadians might be consulted relative to a list of potential appointees to the Senate within the context of the present Constitution. I accept that there are differing views as to the constitutionality of that particular provision. However, no movement in this place to advance Bill S-4 will limit the debate in the other place or limit the capacity of our own committee, the Standing Senate Committee on Legal and Constitutional Affairs, to give due consideration to that tenure question.

In this respect, I am inspired by the new Leader of the Liberal Party of Canada, Stéphane Dion, who I think showed compelling perspicacity and judgment when he reflected on the need to proceed, if possible, to a measure of Senate reform without getting bogged down in the Constitution itself. On May 8, he said that in his view the best way to deal with Senate reform was to do it without tinkering with the Constitution. As an example, he mentioned that requiring senators perhaps to agree to sign an agreement promising to step down after six years would not require the agreement of the provinces. He was contributing as a distinguished scholar of public administration to opening up some channels by which we can make progress without getting bogged down in the constitutional agenda, which we all know is difficult and problematic by definition.

Honourable senators, it was my great privilege to serve on the group of 21 with the new Leader of the Opposition in the Senate, Senator Herveux-Payette. This group of Canadians was put together after the failure of Meech Lake in the legislatures of Newfoundland and Labrador and Manitoba for the purpose of finding non-constitutional ways of moving the agenda of fairness, decency and democratic reform further along without getting bogged down in the constitutional conundrum. It was very much the unanimous view of that committee that on issues around fairness, representation, we could make progress in non-constitutional ways and did not have to hold up the evolution of the country and its institutions to a constitutional solution where other options were suggested.

Honourable senators, I want to suggest as respectfully as I can and in the broadly non-partisan spirit of today, with the arrival of new leadership on the other side, that we would be sending a powerful message to the other place and to Canadians about our common will not to acquiesce in matters with which we do not agree, but rather to put forward to study in a thoughtful way, in the appropriate place, legislation that has been before us now for some many months.

I know where my good friend Senator Murray is coming from on this bill. He will want to know where I stand on the issue of a retroactive amendment so that people now in this institution are not grandfathered. He may put that question, and I would not be surprised if he did. I am sure I reflect the view of everyone in this chamber. We all had and continue to have active lives outside this place. We are here to serve the public, and if reform of our democratic institutions can be achieved and we are called upon to make various sacrifices as we have in the past, we would rise to that cause.

On the basis of discussions we have had in this place, over 25 senators have asked questions or raised issues with respect to Bill S-4. I think we are at the point, without in any way giving up what might divide this side of the chamber from that side, where we must be respectful of the broad breadth of opinion within the official opposition. In reviewing the *Debates of the Senate*, I notice that one cannot typify the official opposition's position on this matter as in any way monolithic. If we had the same breadth of division on our side, it would be called hopeless division, but I will not use that terminology because it would be unparliamentary. The broad breadth and diversity of opinion on the other side speaks eloquently to the great work a committee could do if we were allowed to liberate this legislation and move it to the committee where great minds, thoughtful witnesses and distinguished parliamentarians could study the various few paragraphs of this bill in great detail. I commend Bill S-4 to the most serious consideration of this house.

Hon. Terry M. Mercer: Would the honourable senator permit a question?

Senator Segal: Of course.

Senator Mercer: Perhaps Senator Segal can explain to us what he meant when he mentioned the retroactivity question. Does he have the blessing of his caucus and of his party to put this argument forward at this time?

Senator Segal: I want to be clear about what I was and was not doing. I was trying to inoculate my humble comments against the question that Senator Murray asked Senator St. Germain earlier on in this debate; namely, if one is in favour of Bill S-4, would one be in favour of Bill S-4 were it to be made retroactive? In that context, I defer to the will of this chamber. If the committee were to be given the chance to consider this bill and were to recommend that the matter be retroactive, I would be more than delighted to look at that recommendation on its merits. We would, as a chamber, deal with that in a parliamentary and thoughtful way, and I would be completely in the hands of this chamber on this issue.

Hon. James S. Cowan: I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Cowan, seconded by the Honourable Senator Milne, that further debate be continued at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Those in favour of the motion will signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will signify by saying "nay."

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there an agreement between the whips as to the length of the bell?

Senator Stratton: Thirty minutes.

Senator Cowan: Thirty minutes.

The Hon. the Speaker: Call in the senators. It now being 10 minutes after three o'clock, the bells will sound for a vote 30 minutes hence.

• (1540)

Motion agreed to and debate adjourned on the following division:

YEAS THE HONOURABLE SENATORS

Austin	Hays
Bacon	Hervieux-Payette
Biron	Hubley
Bryden	Jaffer
Callbeck	Joyal
Carstairs	Mercer
Chaput	Milne
Cook	Mitchell
Corbin	Munson
Cowan	Murray
Dawson	Pépin
Downe	Peterson
Dyck	Phalen
Eggleton	Poulin
Fairbairn	Poy
Fitzpatrick	Ringuette
Fraser	Robichaud
Furey	Rompkey
Gill	Stollery
Goldstein	Tardif
Grafstein	Trenholme Counsell
Harb	Watt—44

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	Nancy Ruth
Champagne	Nolin
Comeau	Oliver
Di Nino	Segal
Eyton	Stratton
Johnson	Tkachuk—15
Keon	

ABSTENTIONS THE HONOURABLE SENATORS

Cools

Prud'homme—2

BUDGET IMPLEMENTATION BILL, 2006, NO. 2

SECOND READING—DEBATE ADJOURNED

Hon. Consiglio Di Nino moved second reading of Bill C-28, a second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

He said: Honourable senators, before I comment on Bill C-28, I extend my congratulations to the new leadership team, Senator Hervieux-Payette, Senator Tardif and Senator Cowan. I extend these good wishes and cooperation as long as cooperation is received on this side as well.

Honourable senators, Bill C-28 proposes to legislate certain measures that Canada's new government announced in Budget 2006 that were not part of the Budget Implementation Bill. That bill, which received Royal Assent last June, was the first step of many down the road of this new government's long-term plan for a more competitive, productive Canada that every Canadian can be proud of. I will tell honourable senators a bit about that plan and then I will illustrate how Bill C-28 fits into the big picture.

As honourable senators know, along with this fall's economic and fiscal update, the Minister of Finance introduced Advantage Canada on November 23, 2006. This is a long-term plan to put Canada on a firm track toward the future. Advantage Canada will build a strong Canadian economy, making us a world leader with a quality of life second to none, and it will do this through competitive economic advantages. These advantages include tax advantages that will reduce taxes for all Canadians and improve Canada's business tax competitiveness with a target of establishing the lowest tax rate on new business investments in the G7. Fiscal advantages will eliminate Canada's total government net debt in less than a generation. Entrepreneurial advantages will reduce unnecessary regulation and red tape and increase competition in the Canadian marketplace. There will be a knowledge advantage that will— create the best educated, most skilled and most flexible workforce in the world. Infrastructure advantages will build the modern infrastructure that Canada needs. By committing to principles and policies that will deliver these advantages, Canada's new government will set the stage for economic growth, opportunity and choices for people.

• (1550)

Working together with Canadians, our goals are to build a prosperous economy that provides Canadians with what they deserve: good, well-paying jobs; the ability to save more for retirement; the chance to start a new business; the opportunity to help children and grandchildren, and most of us in this place know what that is all about; and the chance to improve their overall quality of life. These are things that Canadians have entrusted the Conservative Party to support and we are delivering. As promised, we cut the GST and we will cut it again. Again, as promised, we cut personal and corporate income taxes.

Honourable senators, the measures in Bill C-28 build on this action. Indeed, this bill reflects the goals of Canada's new government to create new opportunities and choices for Canadians. In outlining the principal measures of Bill C-28, I will illustrate how this proposed legislation supports the government's plan for the future of Canada.

[Translation]

Honourable senators, I said that the government reduced corporate taxes. This shows that Canadian companies are an important component of our economy.

The government wants to provide companies with a framework that will allow them to prosper and face international competition boldly.

In the budget bill passed last June, the government set out to reduce the general corporate tax rate from 21 per cent to 19 per cent by 2010. The recently tabled Tax Fairness Plan proposes to reduce this rate even further to 18.5 per cent by 2011.

Last June's budget bill also eliminated the corporate surtax for all corporations effective 2008 and eliminated the federal capital tax as of January 1, 2006, two years earlier than originally planned.

[English]

Today, Bill C-28 takes further action by helping small businesses. They will benefit from a proposed reduction of the current 12 per cent small business tax rate to 11.5 per cent for 2008 and 11 per cent in 2009. In addition, effective January 1, 2007, the amount of income that a small business can have taxed at the small business tax rate will be increased from the current \$300,000 to \$400,000. Small businesses are the engines of our economic growth. In supporting them with these two measures we will be helping hard-working entrepreneurs, their families and their employees in cities, towns and regions across Canada.

Honourable senators, an important consideration for this government when shaping Budget 2006 was improving equity and fairness in our tax system. Bill C-28 reflects that goal by providing capital gains tax relief to fishers. This includes an extension of the \$500,000 lifetime capital gains exemption and an intergenerational rollover for fishing businesses. This proposal provides fairness for this important industry by affording it the same tax treatment of capital gains as that of farmers.

[Translation]

Canada's new government did not stop at these measures in its efforts to help Canadian companies become more competitive.

This bill proposes to amend the minimum tax on financial institutions, which will help reflect the growth of this sector since the tax was introduced.

Bill C-28 also proposes to eliminate the double federal taxation of dividends from large corporations at the federal level. The tax reduction will encourage savings and investment and will also help stimulate economic growth.

Furthermore, this bill will make the total personal and corporate income tax on earnings distributed as dividends more comparable to the income tax paid on interest payments and income trust distributions.

[English]

Honourable senators, Bill C-28 is about ensuring that Canadians have the incentives, opportunities and choices they need to unlock the door to a better quality of life. To do that, education and training provide the key. Post-secondary students will be given a helping hand. They will benefit from a new, non-refundable tax credit to provide better tax recognition for the cost of textbooks. This credit will be put in place effective for 2006 and for subsequent taxation years. This measure, for which eligibility rules will be the same as those for the education tax credit, will provide benefits to almost 2 million post-secondary students in both full- and part-time studies.

Honourable senators, helping out with the cost of textbooks is only one way Canada's new government can help post-secondary students. These hard-working students also need to be supported in their academic pursuits. The first \$3,000 in scholarship, fellowship and bursary income received by post-secondary students is not taxed. Bill C-28 proposes to fully exempt these sources of income tax. This is a significant measure that will help foster academic excellence by providing tax relief to more than 100,000 post-secondary students.

Many students today hold down part-time jobs to make ends meet. The tax measures outlined above, when combined with the existing tuition and education tax credits, will allow a typical full-time student to earn almost \$19,000 without having to pay any federal income tax in 2007.

As honourable senators can see, Canada's new government is committed to helping Canadians reach their full potential, but what happens once they get into the workforce? Our work is not over. We need to help employers — that is, Canadian businesses — find the skilled workers they need. To that end, some of the highlights of this bill are the proposals it contains to help Canadians either in or trying to get into the workforce when they are often in financial need.

Look, for example, at the new Canada employment credit. This new government recognizes that for some low-income Canadians certain costs associated with working, such as uniforms and safety gear which are required for the job, could be a barrier to joining the workforce. The Canada employment credit provides a tax credit of up to \$250 for 2006 and up to \$1,000 for 2007 and beyond for employees' work expenses. This credit will significantly increase the amount of income that employed Canadians can earn without paying federal income tax. In fact, when combined with the increases to the basic personal amount, tax-free earnings will be almost \$10,000 by 2007. It will put employees on a more equal footing with other Canadians who are self-employed, in terms of the tax recognition they receive for the expenses they incur to earn income.

Honourable senators, many employed tradespeople must provide their own tools as a condition of employment. Many of us have heard how expensive this can be, particularly for those just starting off their careers.

Bill C-28 proposes a new deduction of up to \$500 to those tradespeople for the cost of tools in excess of \$1,000 that they must acquire as a condition of employment. This proposed tax deduction, together with the Canada employment credit, will provide tax relief to about 700,000 employed tradespeople.

These are not the only measures in Bill C-28 that will help Canadians enter the workforce. Under a new apprenticeship job creation tax credit proposed in this bill, effective May 2, 2006, budget day, eligible employers will receive a tax credit equal to 10 per cent of the wages paid to qualifying apprentices in the first two years of their apprenticeship contract. The maximum credit employers can receive is \$2,000 per apprentice per year. This measure will encourage employers to hire new apprentices learning a trade.

• (1600)

[Translation]

So far, I have addressed personal and corporate income tax deductions. I have also addressed measures designed to help Canadians launch a career. But what about retirement? The new government has proposed measures to help Canadians with pension income. As senators know, at present, there is a tax credit on the first \$1,000 of qualified pension income. This amount had not changed in 30 years. That is why, in its first budget, Canada's new government recognized the situation of Canadians who have worked hard all their lives and set money aside to fully enjoy a well-deserved retirement.

Bill C-28 proposes to double the maximum amount of qualified pension income on which the pension income credit is calculated, increasing it to \$2,000 for tax year 2006 and subsequent years. This measure will benefit nearly three million taxpayers who receive a qualified pension income. It will remove approximately 85,000 pensioners from the tax rolls altogether.

[English]

Honourable senators, I mentioned at the outset that Canada's new government is committed to improving the quality of life for Canadians. I believe my remarks thus far support that commitment, but we can do more. In working towards its goal of a cleaner, healthier environment this government wants to encourage individuals to use public transit. For those of us who have been stuck in rush-hour traffic on the Queensway, in Toronto or in similar roads across our great country, we can appreciate that increasing public transit use will only ease traffic congestion. It will not only ease traffic congestion but it will also improve the environment.

As part of this government's environmental plan, Bill C-28 proposes a tax credit on the purchase cost of monthly public transit passes or on passes of a longer duration. This measure, effective July 1, 2006, will encourage public transit use by making it more affordable to approximately 2 million Canadians who use this environmentally friendly mode of transportation.

Honourable senators, improving the quality of life of Canadians can encompass many things: tax relief, educational assistance and environmental measures. However, when it comes down to it, where would we be without our health? The government wants to help here as well. What better place to

start than with our children? Studies show that regular physical activity has many positive effects on children, including healthier growth and development and improved physical fitness. Studies also indicate that healthy habits learned young are carried with us into adulthood.

To promote physical fitness among children and to help parents with the expenses of fitness programs, Bill C-28 proposes to introduce a children's fitness tax credit. This credit is intended to come into force on January 1, 2007. The credit will be provided on up to \$500 of eligible fees for programs of physical activity for each child under the age of 16. The credit will extend to activities such as hockey, soccer, folk dancing, hiking and any number of other programs that involve significant physical activity and that the Canada Revenue Agency deems eligible.

The last group of provisions in this bill will help our small brewers and producers of 100-per-cent Canadian wine. Vintners who use Canadian-grown agricultural products will be exempt from excise duty. This exemption will result in a savings of over \$10 million in the first full year for an industry that contributes to our economy through job creation, tourism and exports. Small brewers will benefit from reduced duties on the first 75,000 hectolitres of beer they produce. On the first 2,000 hectolitres, savings of 90 per cent will be enjoyed.

[Translation]

To conclude, this bill is helping the new government achieve its goal of contributing to the well-being of Canadians. There is no longer any doubt that Canada has enormous potential. In Canada, people can fulfil their dreams, families can enjoy unparalleled quality of life, and businesses and other organizations can achieve excellence on the international scene.

The measures contained in Bill C-28 can help us reach that potential. I therefore encourage all my colleagues to fully support this bill.

[English]

Hon. Mac Harb: Honourable senators, I wish to ask my colleague a question.

In the honourable senator's speech he talked about the initiatives of the new government but as part of those initiatives he mentioned the elimination of the net debt. We all know about the debt that is in excess of \$400 billion. Perhaps my colleague can explain to this house what he means by the net debt and how the government plans to achieve the elimination of that net debt in the stated time period?

Senator Di Nino: I thank the honourable senator for his question. First, it is important to recognize that the single biggest debt reduction took place this past year when the Minister of Finance applied, I believe, \$13.6 billion against the debt. That reduction is something that has been unheard of for many years.

The plan is a commitment by this government to accelerate that debt reduction over the period of time stated. The details have not been stated as that is impossible to do, but the honourable senator will agree that by example, by the reduction of the \$13.6 billion a few months ago, this government intends to keep its commitment.

Senator Harb: It is obvious that when a government makes a statement the statement is based on a forecast. Has the government put in a forecast for the economic growth they are talking about in terms of how much revenue they will generate and in terms of a schedule over, let us say, the next five years? Perhaps my colleague could tell us what the forecast of the government is in terms of an action plan to reduce the net debt? I am at a loss here in terms of the difference between the net debt and the actual debt. We are all accustomed to the term, actual debt. Can my colleague explain what he means by the "net debt?"

Senator Di Nino: I wish to remind the honourable senator that the statement I made dealt with the economic and fiscal statement made by the Minister of Finance on November 23, if my memory serves me correctly, which was called "Advantage Canada." That statement was about a commitment of the government. It did not contain specifics. As the minister stated at that time, as time goes by all of these commitments will be fleshed out and will be given meat, so to speak, and additional details. The statement was not part of this bill and it was not part of the budget. It was the statement made by the Minister of Finance when he made his economic statement.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): That is right. We will provide him with a copy.

Hon. Sharon Carstairs: My question to the honourable senator concerns the tax credit for those families whose children take part in a vigorous physical activity which raises their cardiovascular rate. He used examples of hockey and soccer.

• (1610)

My understanding of the program is that the \$500 paid by parents results in an amazing savings of \$75 on their tax bill. However, it is interesting to me that there are very few welfare and poor working parents who can afford a \$500 enrolment fee in a hockey or a soccer program.

Does this government not believe that children living in families of the working poor and welfare recipients should not also receive encouragement to take part in physical activity?

Senator Di Nino: I wish to thank the honourable senator for her question.

It is important to understand that this is only one of a number of things accomplished in the past year. One must also acknowledge the fact that in the last 12 months — this government has only been in power for 12 months — a number of measures have been taken: reduction of the GST, reduction of personal income taxes and reduction of corporate taxes. All kinds of other measures have been taken.

In this bill, the government is saying that if parents encourage their children under the age of 16 to undertake a structured program, either through a league, an organization or a club — I am trying fit the Boy Scouts in there, as some honourable senators are aware of my interest there — the fees they pay, up to \$500, will have a tax credit attached to them.

The tax credit will benefit people at different levels, depending on their marginal tax rate. It may be as little as \$75, and it may be

more in some cases. However, I am sure my colleague will agree that even \$75 is a lot of money to a young family. It may not be a lot of money to the world, but whatever the amount, it is a lot more than they were previously receiving.

To take this as a "one-off" measure is incorrect. This bill talks about apprenticeship programs, tax credits for the purchase of tools for working parents and a number of other issues. When they are all put together, I think the honourable senator would agree that it is a great step forward from what was in place previously.

Senator Carstairs: With the greatest of respect to the honourable senator, if everything is put together, it benefits the upper middle class and the wealthy. It does not benefit the working poor and those who are on welfare.

Senator LeBreton: Yes, it does.

Senator Carstairs: Is this government systematically opposed to helping those who make little or no money in this country?

Senator Di Nino: I am tempted to get involved in a political debate here, but I do not want to do that.

If we look at public transit passes, it is not wealthy people who will benefit from them; every Canadian will benefit. Look at the number of seniors who will be taken off the tax rolls as a result of the measures of this bill alone, let alone some of the other things it has accomplished. The provisions contained in this bill will also take poor people off the tax rolls, so they too will obtain a benefit from this bill.

It is unfair to suggest that this government does not care about the poor. In one year, I believe we have accomplished much more than the previous government did in 13 years.

An Hon. Senator: Come on.

Senator Di Nino: I do not want to get political. If honourable senators want to get political, we can do that.

I am suggesting that we must look at this issue in a fair way and say that this government in a slim 12 months has accomplished so much. How much more is there to come? That is the question we should be asking.

Senator Cowan: That is what we need to know.

Senator Fraser: Yes, that is what we are afraid of.

Senator Carstairs: Again, with the greatest of respect to the honourable senator, all I can say is that those people most in need of child care will not receive child care. Those parents most in need of assistance to help their children be physically active will not receive assistance.

With the greatest respect to the bus pass program, the honourable senator should wake up and smell the coffee. The working poor in this country cannot afford public transit because of a lack of support for transit.

Senator Di Nino: I am tempted to sit down and not say any more, but I drink espresso; I smell the coffee all the time. It is a great smell and it is very strong.

If honourable senators look at the substance of this bill, they will see it includes such benefits as the Canada employment credit, the textbook tax credit, public transit passes, tool deductions for tradespeople, the children's fitness tax credit, scholarship and bursary income, pension income credits for seniors, the apprenticeship job creation tax credit, the small business tax credits —

Senator Comeau: More.

Senator Di Nino: — and fiscal capital gains. My honourable friend may want us all to reduce our salaries by 10 per cent and donate it to our favourite charities. If we pass that measure here, I will be the first one to subscribe.

Hon. Marilyn Trenholme Counsell: Honourable senators, I should like to ask a question about the \$500 credit towards sports. However, first, I would like to comment on the use of the term "Boy Scouts." It is not the Boy Scouts anymore. It is Scouts Canada and includes both boys and girls. They are equal.

Some Hon. Senators: Shame.

Senator Di Nino: Shame is right.

Senator Trenholme Counsell: Did the honourable senator mention hiking as one of the sports?

Senator Di Nino: First, let me congratulate the honourable senator; she got me on that one. We have just finished working hard together to pass a bill in this place to change the name to Scouts Canada, and it is now in the other place. I totally agree with the honourable senator and thank her for pointing that out. We both have the same passion for the same organization.

Hiking is one of the examples provided in the briefing papers, which also include sports such as sailing, golf, karate, soccer and folk dancing.

Senator Trenholme Counsell: It is my understanding that it is not at all easy to obtain this credit. One must have proof of registration and perhaps other documentation.

It would be quite wonderful if what the honourable senator is saying is a reflection of what the government is offering, but I would like to know more details. I am sure that the honourable senator is privy to more inside information than I, but I have heard a lot of parents talking about this. Indeed, this credit is for those sports where one must buy expensive equipment and pay registration fees. As the honourable senator was saying, it is for those of means and not those who can walk along a hiking trail.

I do not know whether dancing is included on the honourable senator's list of sports, but I think it should be. My daughter was a highland dancer, and that activity is strenuous and costly.

Can the honourable senator explain how hiking could possibly be included in these notes? It is good news if it is.

Senator Di Nino: Yes.

Folk dancing is one of the activities included on the list.

Senator Trenholme Counsell: Hiking is included?

Senator Di Nino: Yes, hiking is included. I have said that a number of times.

We have here a provision to allow young Canadians to participate in physical activities that will improve their health, make them stronger and better citizens, and improve their ability to complete their school work and live more active lives, which I think we would all agree is good.

Honourable senators, there must be rules. The rules are basically designed by the Canada Revenue Agency. I do not have them here, but I will do my best to provide them to honourable senators. One cannot say, "Last Sunday I went for a walk around the park, so I would like to receive a tax credit associated with the shoes I bought." Rules must be created so that public spending is done in an appropriate and responsible manner.

• (1620)

I know that the list I provided is not all inclusive. It is intended to include physical activity that can be described as relatively strenuous. Certainly soccer is included in that category. Soccer is not an expensive sport; it is not played by people with lots of money. Hiking is not an expensive sport.

Hon. Grant Mitchell: So you get \$15 back?

Senator Di Nino: It may be \$75 or \$120. The honourable senator cannot look at one extreme. He is well aware of the fact that if he gets a \$500 tax credit, depending on his marginal tax rate, he can get as much as 50 per cent of it.

Senator Mitchell: It is limited to 15.5 per cent.

Senator Di Nino: I hope I answered the honourable senator's question. I will attempt to provide a full list with details attached.

Senator Mitchell: I would like to clarify one point before I adjourn the debate. Senator Di Nino said that depending on how high your marginal tax rate is, the \$500 tax write-off will give you more or less. However, that is not the case. The fact is that it is limited to 15.5 per cent, or the lowest possible tax bracket, which represents an increase in tax from 15 per cent to 15.5 per cent. The fact is that it is limited to 15.5 per cent, to \$77.50. If you are paying \$35 for soccer shoes and \$15 for soccer fees, you will receive about 10 per cent of that.

He can say he is doing something for families, but it could amount to only \$8.50 or \$10. It is not worth the time it would take to get it.

Senator Di Nino: Perhaps not for the honourable senator, but others might want to take advantage of it.

Hon. Hugh Segal: Senator Di Nino made a statement about Advantage Canada and referenced the Minister of Finance with regard to the working income tax benefit or WITB program, a program aimed at dealing with the particular problem of the working poor through a working tax benefit incentive. This

program deals with those many Canadians who work very hard, some holding down two or more jobs, but do not make enough to live properly. I understand that this program would top up, through the tax system, their capacity to get out of the "working poor" category and have the income they need.

In view of the potential for this tax credit to affect, in a less than constructive way, people who earn less than \$30,000, could Senator Di Nino undertake to make representations to the Minister of Finance in this pre-budget period to have this matter addressed when the WITB program is considered for introduction, perhaps in the upcoming budget?

Senator Di Nino: I will certainly undertake to do that.

On motion of Senator Mitchell, debate adjourned.

[Translation]

MEDICAL DEVICES REGISTRY BILL

SECOND READING—POINT OF ORDER— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Keon, for the second reading of Bill S-221, to establish and maintain a national registry of medical devices.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to make a few comments on Bill S-221, but first I want to take this opportunity to welcome the new opposition leadership, namely Senator Hervieux-Payette, Senator Tardif and Senator Cowan. I would also like to thank Senator Hays, Senator Fraser and Senator Cook for their cooperation and for the collegiality that prevailed during the last session. It has been a great pleasure for me to work with them, and I hope that we will have the opportunity to do so again in the future.

Honourable senators, I want to raise a point of order regarding Bill S-221, to establish and maintain a national registry of medical devices. I believe that this legislative document involves an appropriation of public funds and, therefore, it cannot originate in the Senate.

Rule 81 of the *Rules of the Senate* reads:

The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

This rule is based on sections 53 and 54 of the Constitution Act, 1867, which provide that appropriation bills shall originate in the other place and require a royal recommendation, which can only be asked by the Crown. Sections 53 and 54 read as follows:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

Allow me to explain why Bill S-221 is in fact a money bill. First, clause 3 states that the Minister of Health shall designate a person as the Registrar of Medical Devices. Clause 4 states that the Registrar shall develop and maintain a registry to be called the Medical Devices Registry and it lists the information to be included in the registry. Clauses 6, 8, 9, 10, 11 and 12 set out how the registry will work and the Registrar's duties.

It seems to me that clause 3 was written to avoid additional costs because it states that the Registrar shall be designated from among persons employed in the Department of Health. Yet, under clause 4, the registry to be created would be distinct from the department's regular activities and would require a separate operating budget, which implies additional expenses.

Legal precedent and commentary on this subject are clear. Establishing new goals and new program requirements will have financial repercussions and therefore require royal recommendation. I would like to draw your attention to page 886 of *Ersine May*, 23rd edition, and I quote:

[English]

When a bill contains a provision extending the purposes of expenditure already authorized by statute (for example, by adding to the functions of an existing government agency or publicly funded body, extending the classes of persons entitled to a statutory grant or allowance, or extending the range of circumstances in which such grants or allowances are payable), that provision will normally require authorization by Money resolution.

[Translation]

The Speaker of the Senate ruled on June 14, 2005 concerning Bill S-33, stating that it was out of order because it was a money bill. He noted that a bill could be ruled out of order in the other place because it involved legislation with financial implications and came from the Senate.

I would draw the attention of the Senate to the fact that the Speaker of the other place has consistently ruled that bills that propose new expenditures require a Royal Recommendation. On May 9, 2005, he said:

... bills which involve new or additional spending for a distinct purpose must be recommended by the Crown. The royal recommendation is also required where a bill alters the appropriation of public revenue "under the circumstances, in the manner and for the purposes set out" in the bill. What this means is that a royal recommendation is required not only in the case where more money is being appropriated, but also in the case where the authorization to spend for a specific purpose is being significantly altered.

[Senator Segal]

• (1630)

On February 8, 2005, the Speaker of the other place said:

Where it is clear that the legislative objective of a bill cannot be accomplished without the dedication of public funds to that objective, the bill must be seen as the equivalent of a bill effecting an appropriation.

Honourable senators, establishing a new registry of medical devices is a new measure requiring the dedication of new funds. That is why I feel that Bill S-221 requires a Royal Recommendation.

Therefore, it cannot be introduced in the Senate, according to the rules, and we cannot carry on with its consideration. The objectives proposed by the bill are highly commendable. Unfortunately, in light of what it contains, and according to my research on the matter of a bill requiring new funds, I must conclude that the Senate cannot receive it.

The Hon. the Speaker: Honourable senators, we have before us a point of order, namely: is a Royal Recommendation necessary?

[English]

Hon. Sharon Carstairs: Honourable senators, we have had over the years in my time in this place and many years before that a discussion of the concept of Royal Recommendation. We have had rulings to the effect that even if a bill requires a Royal Recommendation, it can get that Royal Recommendation at any stage of the bill whether at first reading, second reading or third reading in this place or in the other place. It is a specious argument that because the bill does not have a Royal Recommendation it is therefore not validly received.

As to the other argument that suggests it is a money bill, if you took the argument of the Honourable Deputy Leader of the Government, you could not introduce anything in this place because everything would have a money attachment to it. It is not the purpose of this bill to spend money, and therefore, it is not, by definition, a money bill.

[Translation]

Hon. Joan Fraser: Honourable senators, it is rather unusual to deliver a speech on a point of order. Nevertheless, that is the procedure we are using today.

First I would like to thank Senator Comeau for his kind words about me. It was my great pleasure to work in the same Senate process. I am sure that our new leadership team will enjoy it as much as I did.

[English]

I believe Senator Carstairs put her finger on the core element that this is not a money bill. Its purpose is not to spend money. It is true that almost anything we ever do in this place in the way of legislation may have some monetary implications, but this is not a money bill. It does not set out to change the budgetary situation or the budgetary policy of the Government of Canada. It does not affect taxes. It is a bill designed to achieve a laudable goal of

public policy. An ancillary effect would be that some money might be spent. The director would have to be paid, for example.

As Senator Carstairs said, we could do nothing here but pass empty resolutions calling upon the people of Canada to think fine thoughts or whatever empty resolutions seemed appropriate if nothing we ever did here could have any financial implication at all.

I have not been here as long as many others, but I seem to recall endless discussions on this precise point, in particular, with Senator Kenny's bills concerning tobacco products. It is my recollection that our Speaker ruled more than once that since the purpose of those bills was not that they should be money bills they were therefore admissible in this chamber. I believe there have been other occasions.

The bill presented by Senator Harb, which has received bipartisan support in this chamber, is by no stretch of the imagination a money bill, and I would suggest, Your Honour, that it would be appropriate to say there is no point of order.

Hon. Mac Harb: Honourable senators, I agree with the intervention of both my colleagues, and I want to thank Senator Comeau for raising the point. It is important to put those points on the table, and as Senator Carstairs clearly stated, if we were to follow those points and those suggestions, we may as well shut down operations and go home. In the end, this Parliament has a role. It has a role of oversight and has the ability to initiate legislation that is in the public interest.

The Auditor General's Report states the need for this particular legislation. If my honourable colleague submits that this is a money bill, I submit to honourable senators that if we appoint a registrar, the registrar will have the authority through regulation to impose some sort of a fee on those who use the register. Therefore, it could be revenue neutral, or, for that matter, it could even generate revenues to the Crown, should the Crown so choose.

The Auditor General clearly states in her report that Health Canada has an inspection strategy that identifies the importance of inspection activities. However, the report also states the following:

However, we found that Health Canada does not engage in any inspection activity at the post-market phase and does not know the extent to which the Regulations are being respected. More specifically, we found that Health Canada does not know the extent to which manufacturers, importers, and distributors are

- operating surveillance systems that are adequate to allow them to identify adverse events after the product is on the market;
- taking appropriate action in response to adverse events or complaints that come to their attention;
- reporting to Health Canada all serious adverse events that come to their attention;
- maintaining adequate distribution records to ensure successful recalls; and
- selling only licensed devices.

I submit to you, honourable senators, that there are already activities within Health Canada to that effect. While the Auditor General states that perhaps we have to have a little more vigilance, my bill will not impose any financial burden on the Crown; it — is the opposite. If that bill were to save one single life, I submit to Your Honour that is a — great saving.

There are many case studies that I can bring to the attention of this house to show that there is a need for a bill like this one. Should there be changes to it, Your Honour, I submit that once we send it to the committee we will bring in the officials, experts and constitutional experts, and should the committee find at that time that it is not acceptable, then I will be at the mercy of the house.

The Hon. the Speaker: Honourable senators, I thank all who have spoken to the point of order. I will take it under advisement, move expeditiously and report back.

• (1640)

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator LeBreton, P.C.*)

Hon. Lillian Eva Dyck: Honourable senators, today I join the debate on the state of literacy in Canada. Let me begin with a quote from the Canadian Council on Learning report entitled *State of Learning in Canada — No Time for Complacency* that was released on January 26.

Literacy really matters in every country for social, cultural, political and economic reasons. Countries that ignore the imperatives of developing literacy skills to the highest possible levels do so at their peril.

Literacy is a critically important issue for the Aboriginal population in Canada, and today I will focus my remarks on Saskatchewan.

Literacy proficiency is the daily ability to understand and to use printed material at home, at work and in the community. Level 3, of the five levels, is considered to be the minimum requirement for a given individual to function adequately in our current modern, knowledge-based economy.

A given population should have at least an average literacy score of level 3 in the domains assessed: prose, numeracy, document and problem solving. If the average national score is less than level 3, the skill level of the population is not sufficient for satisfactory job performance and everyday functioning.

According to the International Adult Literacy and Skills Survey, IALSS, conducted in 2003, the Western provinces, B.C., Alberta and Saskatchewan, scored higher than the overall Canadian average in prose, numeracy, document and problem solving literacy. This survey was for ages 16 to 65. In Canada as a whole, 41 per cent scored below level 3 in prose literacy, while in Saskatchewan a smaller percentage, 33 per cent, scored below level 3. The picture for numeracy literacy is worse for than for prose literacy. In Saskatchewan, about 42 per cent scored below level 3.

In real terms, these numbers mean that approximately 200,000 Saskatchewanites between the ages of 16 to 65 years were below the level of prose literacy required to function adequately on a day-to-day basis. Similarly, about 250,000 Saskatchewanites had inadequate numeracy proficiency. These numbers, honourable senators, are shocking.

The IALSS showed that literacy proficiency was generally better in younger individuals. In most provinces, including Saskatchewan, and the territories, about 60 per cent of youth between the ages of 16 and 25 performed at level 3 or higher, compared to only 20 per cent of those over the age of 65. For the youth, these results may sound pretty good, but when you consider that about 40 per cent of Canadian youth are below level 3, which you will recall is the minimum requirement to perform adequately in today's knowledge-based economy, then I think you will agree with me that we as a nation have a problem — a big problem. In Saskatchewan, close to 40 per cent of the 140,000 youth, that is, 56,000 young adults, also had less than level 3 prose proficiency. These 56,000 young adults would not be able to perform adequately in everyday life, let alone do well on the job or in school.

Honourable senators, I draw your attention now to the Aboriginal population in Saskatchewan. In 2001, 14 per cent of the population in Saskatchewan identified themselves as Aboriginal. There were 78,655 Aboriginals over the age of 15 in Saskatchewan in 2001. The Aboriginal population in Saskatchewan is comprised mostly of Indians, 64 per cent. The majority, 65 per cent, of Aboriginals in Saskatchewan live off-reserve, and about half, 47 per cent, live in urban areas of the province.

The 2003 IALSS assessed the prose literacy performance of urban Aboriginals and found that it was considerably lower than that of non-Aboriginals. About 60 per cent of urban Aboriginals and 40 per cent of urban non-Aboriginals had less than level 3 prose proficiency. There were about 37,000 urban Aboriginals in Saskatchewan in 2001, so one can estimate that about 22,000 Aboriginals in cities in Saskatchewan had less than adequate prose literacy. At the same time, about 180,000 non-Aboriginals living in urban centres had less than level 3 proficiency in prose literacy. Let me repeat that: An estimated 180,000 non-Aboriginals and 22,000 Aboriginals living in cities in Saskatchewan had less than adequate prose literacy. These numbers are shockingly large.

It is important to note that the Aboriginal population in Saskatchewan, as is the case elsewhere in Canada, is a younger and faster-growing segment of the population than the non-Aboriginal component. In Saskatchewan, about 60 per cent of Aboriginals living off-reserve were under the age of 25,

compared to about 30 per cent for the non-Aboriginal population. In other words, the proportion of people under 25 years of age was two times higher in the off-reserve Aboriginal population than the non-Aboriginal sector.

I believe it is particularly important to pay attention to the 16-to-25-year-old age group and the 26-to-45-year-old age group, as these groups are the major component of the Aboriginal population above age 15. They comprise 31 per cent and 45 per cent of the population, respectively. Moreover, these age groups are becoming increasingly important to fill labour shortages in our province. In Saskatchewan, it is particularly important to ensure that our Aboriginal population, which has proportionally more younger people and which is growing at a more rapid rate, has the requisite literacy skills to succeed in life in general, and in the job and in school in particular.

The IALSS found that the prose proficiency scores of urban Aboriginals were less than those of urban non-Aboriginals in Saskatchewan. The average scores for the three Aboriginal age groups, 16 to 25, 26 to 45, 46 and over, were all below level 3, while the average scores for the non-Aboriginal groups were above or close to level 3. It would be most interesting to find out whether, as might be expected, the percentage of Aboriginals with less than level 3 literacy proficiency is greater for the younger Aboriginal age groups than for the non-Aboriginals.

At all levels of education in Saskatchewan, Aboriginals lagged behind non-Aboriginals. For example, in the 25-to-44-year-old group of urban Aboriginals, 32 per cent had less than a high school education, compared to 18 per cent of non-Aboriginals. Similarly, only 6 per cent of Aboriginals had earned a bachelor's degree, compared to 14 per cent of non-Aboriginals. It is tempting to conclude that the lower educational attainment of urban Aboriginals was due to lower literacy proficiency. Any person who has insufficient literacy proficiency will likely have less success in their schooling or educational upgrading, and may not be able to achieve competency in their job.

• (1650)

I will conclude my presentation with a discussion on one final aspect of the IALS survey results. Much ado has been made about the fact that the average overall national literacy score for Canadians in 2003 was not significantly different from that found in 1994. The finding that there was no change in the average national literacy score can be interpreted in three ways. One interpretation, which Senator Tkachuk articulated, was that the literacy programs were not doing their job because if they had been the literacy scores should have gone up.

However, a second interpretation of the lack of change in the prose literacy scores is that the literacy programs had done their job because in the absence of such programs the literacy scores would have gone down.

Moreover, a third interpretation is that not enough resources or programs were available to make any difference in the average literacy of Canada as a whole. In other words, not enough funding was made available to provide enough literacy programs to help large enough numbers improve their literacy. Not enough adult learners were put through literacy programs to make a significant increase in the literacy score of the population as a

whole. There may have been too few learners who had been helped by literacy programs to make a significant difference to the huge number of people who have below-average literacy. I would argue that that is the case for Saskatchewan.

How many adult learners are being helped by literacy programs in Saskatchewan? Using the IALS survey, one can estimate that 200,000 to 250,000 Saskatchewanites fall below level 3 in prose and numeracy proficiency. However, based on information that I received from the Saskatchewan Literacy Commission, a mere 2,000 adult learners are participating in federally funded literacy programs in Saskatchewan. These 2,000 learners will no longer be able to access current literacy programming as a result of the funding cuts announced by the minority Conservative government in September.

In addition to the 2,000 learners participating in federally funded literacy programs, about 5,000 are accessing provincially funded programs. However, it is clear that the total number of learners is still only a tiny fraction — about 3 per cent — of the huge number of people — 200,000 to 250,000 — with low literacy in our province.

In addition, I would like to point out that the IALS survey did find significant increases in the prose literacy scores between 1994 and 2003 in Quebec, and in the document literacy scores in the Atlantic region. One could argue that these two literacy programs at least are working, and one could try to figure out why significant differences occurred in Quebec and in the Atlantic region, but not in other regions of Canada.

Honourable senators, other countries, such as England and Australia, have launched multi-year, well-resourced national strategies aimed at improving literacy skills. Let me conclude by saying that more, not less, federal funding should be directed to improving the literacy proficiency of the people in Saskatchewan. Furthermore, close attention should be paid to the Aboriginal population in Saskatchewan. It has been predicted that 10 years from now, 21 per cent of the population in Saskatchewan will be Aboriginal, and by 2045, as much as 50 per cent will be Aboriginal. It is imperative, therefore, that programs that increase the literacy proficiency of Aboriginals are, if anything, expanded rather than cut back.

Honourable senators, it is my hope that the minority Conservative government will increase the level of investment in literacy programs. Such an investment will pay significant dividends in the future, as more people become able to participate fully in everyday life, perform better in their jobs, and contribute to our economy.

On motion of Senator Milne, debate adjourned.

THE HONOURABLE NOËL A. KINSELLA

MOTION EXPRESSING CONGRATULATIONS AND CONFIDENCE IN SPEAKER—DEBATE ADJOURNED

Hon. Serge Joyal, pursuant to notice of June 22, 2006, moved:

That the Senate congratulates the Honourable Noël Kinsella on his appointment as Speaker and expresses its confidence in him while acknowledging that a Speaker, to be

successful and effective in the exercise of the duties of that office, requires the trust and support of a majority of the Senators.

He said: Honourable senators, I should like to extend to the Honourable Speaker the usual wishes of congratulation and say to him personally how much I have appreciated, in the almost 10 years I have been in the Senate, to join with him in all the works we have been called upon to study and debate in committees and in this chamber.

Today, I would like to direct the attention of honourable senators to the status of the Speaker. The fact that we have a Speaker who is appointed by the Governor General raises a special issue in relation to the capacity of the Speaker and his role in our chamber.

I remind honourable senators that the Speaker is appointed according to section 34 of the Constitution, which states:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate and may remove him and appoint another in his Stead.

• (1700)

The Governor General appoints the Speaker, not the Governor-General-in-Council. In a previous debate in 2003, the Honourable Senator Oliver introduced a bill to elect the Speaker. Many of us took part in that debate and reflected upon the scope of section 34 of the Constitution. If the Governor General appoints the Speaker, then who advises the Governor General when he or she must select, from time to time, a senator to fill the position of Speaker of the Senate?

In 2003, Senator Austin, who happened to be the dean of this chamber in terms of length of time served in the Senate, informed us that following an executive Order-in-Council of 1935 introduced by the late William Lyon Mackenzie King, the Prime Minister reserved a certain number of recommendations to the Governor General for appointments. Among these appointments, of course, are senators and the position of Speaker. In other words, the Prime Minister does not have to consult the cabinet. It is not the Governor-in-Council; it is the Prime Minister. The Prime Minister can take counsel from whomever he or she chooses.

Senator Prud'homme: Like the senators.

Senator Joyal: The Prime Minister does that before making a recommendation to the Governor General. The Prime Minister of the day may decide to consult the President of his party, the Leader of the Opposition in the House, the leaders of the other opposition that happen to be present in the House or anyone else. It is the same, for instance, when he or she recommends the appointment of judges to the Governor General. The Prime Minister can establish a system of consultation through the bar, through a group of select, high-profile citizens, and so on, but the last recommendation is with the Prime Minister according to that executive order of 1935.

Where does that leave us? When we debated the bill introduced by Senator Oliver, I remember Senator Cools made a very important contribution, as did Senator Prud'homme. I read the

important points in those contributions. For instance, Senator Cools stated that the Senate is a very special place in Parliament because it is the only chamber where the three components of Parliament meet: Her Majesty, the Senate and the House of Commons at the bar. If we were to change that we would have to address changing that appointment principal. I think Senator Cools was rightly concerned with that issue.

It came to mind that when we are changing the status of such an important position in the order of public responsibility within the Constitution, we must follow strictly the letter of the Constitution. I was listening this afternoon to an intervention made in this chamber calling upon us to forget about the Constitution and move on with the issue of the Senate. I happen to have a different view. I will express at another time what we can do to respect the letter and spirit of the Constitution and move on.

This is an important moment to reflect upon the general idea of whether or not we should elect the Speaker of the Senate. We have arrived at a time in the history of our institutions, after 140 years, as the Leader of the Opposition mentioned, that we should think about this proposal, as did Senator Oliver's bill three years ago. That bill died on the Order Paper and the issue was not revived.

The motion of Senator Hays also invites us to reflect upon the status of the Speaker of the Senate. We are, at this point in time, in a privileged position because the House of Lords changed its procedure last July and elected its first Lord Speaker. They did not do that overnight or on a whim. It started in 2003 when the Lords struck a select committee on the speakership of the House. They sat for a number of days and heard from a number of witnesses and they produced a report dated November 18, 2003. There is a report from the Lords concluding that they should proceed with the election of the Lord Speaker.

Those of us who have had the privilege, including His Honour and the previous Speaker, Senator Hays, of going to Westminster and studying the status of the Speaker, understand — that there were a certain number of considerations that they expressed in their report which I think is very accurate in terms of our own Speaker.

For instance, they concluded in the course of their study that the office of the Speaker is of prime importance because he is to be the guardian of the ethos of this place. I repeat: the guardian of the ethos of this place. In other words, the Speaker retains the ethos, the ethics, the high level of professionalism that we must maintain to perform our constitutional duty in the study and debates of legislation and public issues. In that capacity, Speakers should have a special function to perform. He or she should abide by a certain number of written or unwritten rules to ensure that the role is performed with the confidence of the majority of the members of the Senate.

It is in that context that, having recommended in 2003 that the Lord Speaker be elected, the House of Lords voted on a motion on July 2005 to adopt the system and then struck a special committee to establish a procedure of election. That committee reported to the Lords on December 19, 2005. In other words, they did a full study. As you will see, honourable senators, this is rather thick. They studied the various methods of election and

selection. They came to the conclusion through a simple system that the candidate should be elected for five years with one renewable term — in other words, a maximum of 10 years — and it only makes sense that if the person is elected for five years, the person will sit in the chair for a continuous term of five years. That would be different than our letter of the Constitution would provide, namely, that the Speaker is changed from time to time. There is it no term limit. The Speaker may be Speaker for six months, 1.5 years, five years, the whole length of Parliament and reappointed and so on. We must go through the list of all the Speakers to find out the range of terms that they have had in our chamber.

The House of Lords concluded that the result of the election would be presented to Her Majesty for official appointment. In other words, the system of election of the Lord Speaker did not change the power of Her Majesty to appoint the Speaker.

• (1710)

As stated clearly in recommendation No. 51 of the report of 2003:

The name of the successful candidate should then be submitted to Her Majesty the Queen, who would be invited to make the formal appointment.

Her Majesty still retained her capacity, and that is what she did last summer when she appointed as Lord Speaker the candidate that was successful in July 2006. Therefore, at Westminster they have been able to address the issue respecting the letter and the spirit of the Constitution, which is to retain for Her Majesty the power to appoint.

What happened in fact? The power of the Prime Minister to make a recommendation to Her Majesty was changed for an electoral system within the House of Lords through which the candidate recommended to Her Majesty was accepted. The Lord selected occupies the chair for five years, and then the term is over and there is another election. The same person may be inducted for another five-year term and then they must leave the chair for another candidate.

This means that if we want to change or abolish section 34 of the Constitution, which provides for the Governor General to appoint a Speaker, we must say that we will proceed with the election of the Speaker on the basis only of our rules, as they did in the other place. The election of the Speaker in the other place is provided only through the rules, the standing order of the chamber. Nothing in the Constitution provides for that for the other place.

What, then, should we do? A question that arises immediately if we are to abolish section 34 is the following: Do we have the capacity, as Parliament, to abolish section 34 under section 44 of the Constitution?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Joyal: I will conclude in five minutes.

Senator Corbin: You have one minute, plus five.

Senator Joyal: If we want to abolish section 34, which provides for the appointment of the honourable Speaker by the Governor General, we must resort to section 44 of the Constitution. The government alleged that same section to introduce Bill S-4: that the Parliament has the authority to change the term of senators. That is essentially the argument of the government to introduce Bill S-4. Following the vote that took place this afternoon, I will speak on that issue when I have an opportunity either this week or next week to speak on Bill S-4 because I think that question is the paramount one to discuss first. We can then debate sections 8, 9, 10, 12, 20 and 25, but we must first debate the question of whether we have that power. That will be my contribution to that debate.

Let me continue on the Speaker. Do we have the power under section 44 to abolish section 34? If we say yes to that question, we have another problem that was raised by Senator Cools. Since the office of the Governor General is protected by section 41 of the Constitution that seeks unanimity, we are changing the power of the office of the Governor General. We are removing a power from the Governor General.

On that basis, one can argue that we need to go through the formal constitutional route. If we conclude that, I do not think that we will waste time debating the issue of the status of the Speaker. We must go through the conventional route, the one that the late Right Honourable Mackenzie King took with the Order-in-Council.

I think that Senator Austin made a useful contribution. Nothing prevents us, for instance, from adopting a motion to conduct an election with an electoral system within this chamber that provides candidates to come forward to be nominated, and then have the successful candidate referred to the Prime Minister for consideration. The Prime Minister would then decide what to do with the recommendation. He could follow or not follow the recommendation, but the order of the Governor General would remain intact, as much as in Westminster, the power of the Queen remained intact following the result of the election that took place to elect their Speaker last July.

I conclude, honourable senators, that we should look into this issue. I think that Senator Oliver was right. We want to be sure that the power, the responsibility and the function that is vested in the Speaker is occupied by a person who has the majority trust of this chamber, whatever the political allegiance or the government of the day.

I think it is fair, if the mother of Parliament has been able to come to a conclusion on this issue, that it needs to be revisited. With all the information that is piled in the two reports that have been quoted, which are very recent reports, together with the fact that they conducted an election in Westminster that was fruitful, we can look into that matter on a non-partisan basis. They concluded in their own report, in terms of political activity of the Speaker, and I quote:

The Lord Speaker will be expected to lay aside any party or group affiliation on appointment, and to refrain from political activity, including voting in the House.

They are sensitive to the political activity of the Speaker once the Speaker has been elected. It is an issue that we need to reflect upon and we can have the benefit of those reports. It would be to the benefit of those who want to reflect upon this issue to have a model. I do not think the model can be transferred totally because we have a Constitution that we must abide by. However, at least we have a precedent that would be helpful for us if we want to move forward in that regard.

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): On a point of order, honourable senators, much as I think we all agree with the intent of Senator Joyal's motion that we hold confidence in the incumbent of the office of the Speaker of the Senate, probably the motion would pass unanimously. Much as we would like to reach that point, the motion being pursued by Senator Joyal is outside the constitutional responsibilities of the Senate. Senator Joyal's motion is, in effect, a motion of confidence in the Speaker of the Senate.

Senators are well aware of our constitutional responsibilities and rights, which include regional and provincial representation, representation of minorities and to act as a check on the House of Commons, to name just a few. Nowhere does it mention that the Senate has the responsibility or the right to call into question its confidence in the Speaker. It is quite the opposite.

Section 34 of the Constitution Act of 1867 states:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

At that time, it should have said "her" as well. Thereby, it would grant the power of appointment and removal of the Speaker of the Senate to the Governor General as part of the Crown's Royal Prerogative, and not to the Senate.

As much as I think we would all like to rejoice in expressing our full confidence in the incumbent, Senator Kinsella, the Senate does not have the right to do it at this point because of section 34. Therefore, we will have to seek another vehicle or instrument if we wish to pursue Senator Joyal's proposal and not pursue this through the question of a motion.

• (1720)

Hon. Lowell Murray: Honourable senators, I have two comments on the point of order. First, the easy way out of Senator Comeau's objection would be to amend the motion so that everything after the word "Speaker" is deleted. We would then have a motion in which the Senate congratulates the Honourable Noël Kinsella on his appointment as Speaker, period.

Second, to the extent that Senator Comeau's point of order will have to be adjudicated by someone, we had a rather shameful debate in this place circa 1990-91.

Senator Cools: It was in 1990.

Senator Prud'homme: It was a shameful debate.

Senator Murray: This occurred when a motion was put not to express its confidence in the then Speaker of the Senate but to express the non-confidence of the then opposition in the Speaker of the day.

Senator Prud'homme: That is right. He was a good Speaker.

Senator Murray: I cannot recall any point of order being raised much less any intent by the Speaker to prevent the debate happening, and it dragged on for a very long time. Your Honour might want to take that precedent, if it is a precedent, into account.

I had two other matters to raise, but they are not appropriate to the point of order.

Hon. Daniel Hays: Honourable senators, I have a brief intervention on the point of order. I listened to Senator Comeau carefully. He makes a valid point that this is not a motion that leads one to conclude by its content that it will lead to something that will bring about the election of the Speaker. However, my memory of this place and of the latitude given in debate on motions, inquiries or other orders on the *Order Paper and Notice Paper* is such that a great deal of leeway has been given.

I listened carefully as well to Senator Joyal. Most of his comments seemed to be more in keeping with an inquiry than with the strict wording of his motion, although he did touch on that at the beginning of his remarks. I only wish we had more time so that we could explore some of the issues that he has raised.

I would remind honourable senators that this matter has been referred to the Standing Committee on Rules, Procedures and the Rights of Parliament with a request that it bring forward something, if deemed appropriate, to deal with the matters raised by Senator Joyal in his comments, which are more in the nature of an inquiry than of a motion to do something to cause the Speaker to be elected.

I would ask Your Honour to take those comments into account in terms of what I understand to be the leeway given to presenters when making comments on motions, inquiries or other orders that appear on the *Order Paper and Notice Paper*.

Hon. Joan Fraser: Honourable senators, I understand Senator Comeau's point of order to suggest that Senator Joyal's motion is out of order because, in his view, it would be unconstitutional for senators to change the method of appointment of the Speaker of the Senate.

I see two difficulties. First, the motion, which would be voted on, states nothing about electing a Speaker; rather, it congratulates the Speaker on his appointment as Speaker and expresses confidence in him, which I am sure all senators share. The motion observes that a Speaker "to be successful and effective . . . requires the trust and support of a majority of the Senators." That is true. If a Speaker does not have the trust and respect of the majority of senators, we have only to vote to overturn his rulings and he will not be successful or effective in the

exercise of his duties. On the face of this motion, it contains nothing that is out of order or unconstitutional. Senator Joyal's presentation, which was most interesting, learned and informative in respect of the move to examine, at least, the possibilities of electing a Speaker, does not affect the plain words of his motion.

Second, even if the motion called for the election of the Speaker of the Senate, it would not be out of order either. I recall that Senator Oliver had two bills, I believe, before the Senate calling for the election of the Speaker.

Senator Comeau: What happened to the bills?

Senator Fraser: They were not ruled out of order, although I might be wrong because my recollection of the better of the two bills is a bit sketchy given that I was not expecting to enter this debate today.

Surely there is no limit to what senators may choose to say in this chamber about what they believe is the appropriate fate of this chamber, as long as senators observe the laws of libel and obscenity. Simply and plainly, the words of this motion, in both official languages, are so clearly in order that I would urge Your Honour to find that there is no point of order.

Hon. Eymard G. Corbin: I would refer honourable senators to Beauchesne's *Parliamentary Rules & Forms, 6th Edition*, by Fraser, Dawson and Holtby. The heading preceding citation 167 at page 48 refers to the Speaker as "Presiding Officer of the House of Commons." This has generally applied to the conduct of the Speaker of the Senate in most cases. There have been rulings pertaining to paragraph 5 of citation 168, which states:

The Speaker will not give a decision upon a constitutional question nor decide a question of law, though the same may be raised on a point of order or privilege.

That is exactly what Senator Comeau has done.

The same consideration as to the powers of the Speaker can be found under "Points of Order" at page 97 of the same edition of Beauchesne's. Citation 324 states:

The Speaker will not give a decision upon a constitutional question nor decide a question of law, though the same may be raised on a point of order or privilege.

Following that is a reference to the *Journals* of July 8, 1969. I remember well but I cannot quote the name of the Speaker in the Senate, the incident or the date when the Speaker refused to engage in debate because the matter raised was a constitutional question.

That is where the matter rests and debate ought to continue.

Hon. Anne C. Cools: Honourable senators, I wish to join this debate briefly. I thank Senator Joyal for bringing forward an important issue. As well, I support Senator Murray's comments and Senator Comeau's objection.

There is a problem with Senator Joyal's motion and I would appeal to him because his motion has two distinct propositions. The first proposition is that all senators should congratulate the Speaker on his elevation. The second is that the senators should

acknowledge that a Speaker, to be successful, should be of a certain type. I think it is desirable, honourable senators, that when any motion moves forward on the grounds that it seeks to congratulate one of our members who has been elevated to a particular position, that motion should go forward on a very positive basis. The first part of Senator Joyal's motion about the congratulation, I am sure will seek unanimity in this place.

• (1730)

The second part of the motion, on the question of confidence and acknowledging and making certain acknowledgements, is a debatable question. For those reasons, I would like to ask Senator Joyal to consider dividing his motion so that the positive note that all senators wish the Speaker well and Godspeed is one that should move forward without qualification. It is not fair to place any senator, particularly the Senate Speaker, in a position of being a judge in his own cause, in his own case.

Right now Senator Comeau has asked the Speaker, and every one of us intervening in this debate is asking the Speaker to be a judge in his own cause. I do not think that is Senator Joyal's intention. I think his intention is to have all of us express good wishes to the incumbent. I will not mention names for the moment.— His intention is not possible without a debate on the other set of issues in his same motion. Whether Senator Joyal intended it or not, and I understand what Senator Comeau is saying. Senator Joyal's motion uses words like "confidence." The term "confidence" in our system of governance has a peculiar and particular constitutional meaning and its use in this motion tends to cloud Senator Joyal's good and well-founded intentions. I believe it diminishes what he is trying to say.

This debate is really two debates. I said that there are two distinct propositions. There is the first proposition, as I said before, of congratulating His Honour, but then there is the other proposition of leave that Senator Joyal is bringing forth, that the Speaker should have the confidence of the members of this place and, in addition to that, this place and its senators must acknowledge — acknowledge means acknowledge certain facts about the Speaker. He must admit this. There are many senators who would be prepared to debate the proposition in the second part of his motion. I am of the sincere feeling that since I believe it is the will of most senators in this chamber that if we wish to congratulate the Speaker, the motion should extend congratulations. I But, if we wish to discuss the functions and the roles and the process of selection of a Speaker, then that is a different debate and it should be conducted outside of a debate on the individual occupant, the incumbent Speaker at this point in time.

What I am trying to do here, honourable senators, is to see if we can reach a situation where we are not asking His Honour to be a judge in his own cause in this instance. It would be very easy to make such an amendment. I would just like to continue on a substantive point. Senator Joyal is right; I do pay deep attention to some of these matters.

We must remember that we call the Speaker of the Senate the Speaker, but the Speaker of the Senate is no mere Speaker as say the House of Commons Speaker is the Speaker. I often wish we did not use the term "Speaker" here, and that we should do as in the U.S. and perhaps use the term "President" or something else,

because in actual fact there is always great confusion because there should be one Mr. Speaker between the two Houses. There should be one Mr. Speaker in a Parliament, and he should be Speaker of the House of Commons.

My point is the following: The Speaker of the Senate is more in the nature of a viceregal. This fact seems to have been lost in recent years constitutionally, because the Speaker in this place was modeled after the Lord Chancellor who was no mere Speaker. He was the alter ego of Her Majesty or His Majesty. I wish we would start to resurrect our real constitutional history so we could understand this. The Speaker of the Senate is in point of fact a viceregal.

The American Constitution is interesting in many ways. Back in 1787, they created many innovations but alongside those innovations they maintained the basic British system. It is an interesting creation in the U.S. In the United States of America, they maintain the President of the Senate as that viceregal, because in the United States of America the Vice-president of the United States of America is the President of the Senate.

What I am trying to get at here is that this is not a simple, straightforward matter. I know in the U.K. and in Westminster they are doing all manner of things around the question of the Lord Chancellor and so on. The phenomenon that we have is that our BNA Act as passed is an ancient system and we are not free to just change it at whim.

I understand the intention of Senator Joyal, which is that when a prime minister — and I am very well-informed of the Orders-in-Council — makes a selection for that position of senate Speaker, that prime minister should choose a person who not only has the respect of all senators, but who also enjoys the affection, because that person should be treated in a very special way. We should hold the Speaker in great esteem.

I believe that what Senator Joyal is saying is that we should encourage future prime ministers to take note of the sentiments and thoughts of senators when making their choices. I think that is what the honourable senator is trying to get at, because the situation he has described in the practice of the U.K., frankly, is no big thing to my mind. I do not know how they do it procedurally. I am not as informed on that subject as is Senator Joyal. I do not know if that situation is applicable here in Canada. I have not done enough work on what has actually happened in the U.K. However, even with all of that we must understand that this house — and I would like to impress this upon the Prime Minister and the members of the cabinet — is the upper house. This house is Her Majesty's royal house, which is the house of Her Majesty's Parliament. That is what a Parliament is.

The BNA Act says "the Parliament of Canada," but if you read the old literature it was as the king who would say, "I will call a Parliament. I will summon a Parliament." Many Parliaments were summoned all the time. There was not a notion of one Parliament functioning all the time, but the important point is that this is the house of Parliament. This is the house of the assembling of Parliament. If Her Majesty were to arrive at the front door of this building, our Black Rod is supposed to be there. That is why the Black Rod is appointed — I think by Order-in-Council — by her. Our clerk is the clerk of the Parliament. It is a different system.

• (1740)

I sincerely believe that we can honour the spirit of what Senator Joyal is trying to do, and we can sever the motion and congratulate His Honour, ensuring no feelings are hurt and no offence is offered. At the same time, we can have a debate on not only the future but the role of the Speaker of the Senate. I have copious materials on this subject.

I want to move on to one other point that Senator Joyal made, which may be substantive. I thought I heard him say that the Speaker of the House of Commons was not elected in the Constitution. Did he say that?

In any event, just for clarification, I want to call the attention of the house to section 44 of the BNA Act, which states:

The House of Commons on its first assembling after a General Election shall proceed with all practicable Speed to select One of its Members to be Speaker.

There is a lot of confusion around that particular section because many Canadians believe that the Speaker has been elected only for the last ten years or so. In point of fact, the Commons Speaker has been elected for the last 140 years, or whatever it is. It used to be done by motion. A motion would be moved, and all the other members of the House of Commons would simply vote for it. Some years back, it was decided to do it by direct secret ballot, which is good and sound. However, they are both still elections, so the constitutional underpinning is the same.

Having said all of that, I do not know where we are. Your Honour, if this item goes ahead as a point of order, unless Senator Comeau wants to withdraw it and allow some of us to move a motion, I do not think you should act as a judge in your own cause. It would be unclear as to what you are ruling on. Are you ruling on the fact that we should not congratulate you, we should not trust you, or we should not love you? What are you ruling on?

I think the Honourable Senator Kinsella, whom I want to join in congratulating, should graciously bow out.

The Hon. the Speaker: Is there anything further on the point of order?

Honourable senators, I wish to thank all for their contribution to the discussion on the point of order, which the chair will take under advisement and report back as expeditiously as possible.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO STUDY
EFFECTIVENESS OF CANADA'S PROMOTION
OF DEMOCRATIC DEVELOPMENT ABROAD—
DEBATE ADJOURNED

Hon. Hugh Segal, pursuant to notice of November 29, 2006, moved:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context; and

That the Committee shall present its final report no later than December 31, 2007, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until March 31, 2008.

Hon. David Tkachuk: Honourable senators, I have been given permission by Senator Segal to move this motion in his name.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

Hon. Eymard G. Corbin: It would have been preferable for Senator Segal to present his motion and to explain the objectives sought by this study.

As a member of the steering committee of the Standing Senate Committee on Foreign Affairs and International Trade, I am privy to what he is attempting to accomplish, but I doubt if anyone in this chamber could explain it. Can the honourable senator explain?

Senator Tkachuk: Yes.

Senator Corbin: The honourable senator moved the motion on Senator Segal's behalf.

I do not intend to stop this motion. I do not intend to speak to it, but I am talking about the process. It is most unusual, especially on motions, to zip them through like that. I invite the honourable senator to make a few comments.

Senator Tkachuk: I do not think Senator Segal meant any disrespect. He thought he would be moving this motion, thought it important, and I was the closest body around. Therefore, he asked if I could move it in his name.

He wanted me to tell honourable senators that this study is not to duplicate the study going on in the House of Commons. There will be no travel and no expense. The committee will study the

issue of the role of Parliament and parliamentarians in advancing democracy and democratic development, which he considers, and members of the committee consider, of vital importance.

For example, the Westminster Foundation for Democracy in the United Kingdom and the National Endowment for Democracy in Washington each respond to Parliament and Congress respectively when they promote the issue of democracy; rather than, for example, external affairs or the executive. This is to study how Parliament will promote democracy throughout the world.

I hope that explains the study a little bit. If the honourable senator wishes to add to that explanation as a member of the steering committee, perhaps we can expedite this.

Hon. Percy Downe: Can the mover of the motion advise if the promotion of democratic development includes a review of the situation in Afghanistan and what the Canadian government is presently doing there?

Senator Tkachuk: I cannot answer that particular question. It would be better answered by the members of the committee.

My guess is, they will study how Parliament is to promote democracy throughout the world, and I consider Afghanistan part of the world. Therefore, there may be some discussion about that issue.

Senator Downe: I appreciate the mover is in a difficult position because he has been asked to do this at the last moment, but I share the view expressed by Senator Corbin. I am a member of the committee, but I am not a member of the steering committee. I am not absolutely clear as to what the committee is doing. I assume Senator Segal will be here tomorrow and he can answer our question.

On motion of Senator Downe, debate adjourned.

The Senate adjourned until Wednesday, January 31, 2007, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(January 30, 2007)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate and Secretary of State (Seniors)
The Hon. Monte Solberg	Minister of Human Resources and Social Development
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue
The Hon. Vic Toews	President of the Treasury Board
The Hon. Rona Ambrose	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification
The Hon. Diane Finley	Minister of Citizenship and Immigration
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	Minister of the Environment
The Hon. Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. Jay D. Hill	Secretary of State and Chief Government Whip
The Hon. Jason Kenney	Secretary of State (Multiculturalism and Canadian Identity)
The Hon. Gerry Ritz	Secretary of State (Small Business and Tourism)
The Hon. Helena Guergis	Secretary of State (Foreign Affairs and International Trade) (Sport)
The Hon. Christian Paradis	Secretary of State (Agriculture)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(January 30, 2007)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Hays, P.C.	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoïne Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(January 30, 2007)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel, P.C.	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth.	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinegan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(January 30, 2007)

ONTARIO—24

Senator	Designation	Post Office Address
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THE HONOURABLE

1	Lowell Murray, P.C.	Pakenham	Ottawa
2	Peter Alan Stollery	Bloor and Yonge	Toronto
3	Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4	Jerahmiel S. Grafstein	Metro Toronto	Toronto
5	Anne C. Cools	Toronto Centre-York	Toronto
6	Colin Kenny	Rideau	Ottawa
7	Norman K. Atkins	Markham	Toronto
8	Consiglio Di Nino	Ontario	Downsview
9	John Trevor Eyton	Ontario	Caledon
10	Wilbert Joseph Keon	Ottawa	Ottawa
11	Michael Arthur Meighen	St. Marys	Toronto
12	Marjory LeBreton, P.C.	Ontario	Manotick
13	Lorna Milne	Peel County	Brampton
14	Marie-P. Poulin	Northern Ontario	Ottawa
15	Francis William Mahovlich	Toronto	Toronto
16	Vivienne Poy	Toronto	Toronto
17	David P. Smith, P.C.	Cobourg	Toronto
18	Mac Harb	Ontario	Ottawa
19	Jim Munson	Ottawa/Rideau Canal	Ottawa
20	Art Eggleton, P.C.	Ontario	Toronto
21	Nancy Ruth	Cluny	Toronto
22	Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23			
24			

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	Nova Scotia	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Gerard A. Phalen	Nova Scotia	Glace Bay
6 Terry M. Mercer	Northend Halifax	Caribou River
7 James S. Cowan	Nova Scotia	Halifax
8		
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays, P.C.	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1		

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of January 30, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

Campbell,	* Hervieux-Payette (or Tardif),	Lovelace Nicholas,	Segal,
Dyck,	Hubley,	Peterson,	Sibbeston,
Gill,	* LeBreton (or Comeau),	St. Germain,	Watt.
Gustafson,			

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton (or Comeau), Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Callbeck,	* Hervieux-Payette (or Tardif),	Mercer,	Peterson,
Christensen,	* LeBreton (or Comeau),	Mitchell,	Segal,
Fairbairn,	Mahovich,	Oliver,	Tkachuk.
Gustafson,			

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton (or Comeau), Mahovich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Eyton,	Grafstein,	* LeBreton (or Comeau),
Biron,	Fitzpatrick,	Harb,	Meighen,
Campbell,	Goldstein,	* Hervieux-Payette (or Tardif),	Tkachuk.
Chaput,			

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette, *LeBreton (or Comeau), Massicotte, Meighen, Moore, Tkachuk.*

CONFLICT OF INTEREST FOR SENATORS**Chair: Honourable Senator Joyal****Deputy Chair: Honourable Senator Andreychuk****Honourable Senators:**Andreychuk,
Angus,

Carstairs,

Joyal,

Robichaud.

*Original Members as nominated by the Committee of Selection**Andreychuk, Angus, Carstairs, Joyal, Robichaud.***ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES****Chair: Honourable Senator Banks****Deputy Chair: Honourable Senator Cochrane****Honourable Senators:**Adams,
Angus,
Banks,
Carney,Cochrane,
* Hervieux-Payette (or Tardif),
Kenny,Lavigne,
* LeBreton (or Comeau),
Milne,Sibbeston,
Spivak,
Tardif.*Original Members as nominated by the Committee of Selection**Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne,
*LeBreton (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.***FISHERIES AND OCEANS****Chair: Honourable Senator Rompkey****Deputy Chair: Honourable Senator Johnson****Honourable Senators:**Adams,
Baker,
Campbell,
Cochrane,Comeau,
Cowan,
Gill,
* Hervieux-Payette (or Tardif),Hubley,
Johnson,
* LeBreton (or Comeau),Meighen,
Rompkey,
Watt.*Original Members as nominated by the Committee of Selection**Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson,
LeBreton (or Comeau), Meighen, Rompkey, Watt.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE**Chair: Honourable Senator Segal****Deputy Chair: Honourable Senator Stollery****Honourable Senators:**

Andreychuk,	Di Nino,	* LeBreton (or Comeau),	Segal,
Corbin,	Downe,	Mahovlich,	Smith,
Dawson,	Eyton,	Mitchell,	Stollery.
De Bané,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS**Chair: Honourable Senator Andreychuk****Deputy Chair: Honourable Senator Carstairs****Honourable Senators:**

Andreychuk,	* Hervieux-Payette (or Tardif),	Lovelace Nicholas,	Pépin,
Carstairs,	Kinsella,	Munson,	Poy.
Dallaire,	* LeBreton (or Comeau),	Nancy Ruth,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION**Chair: Honourable Senator Furey****Deputy Chair: Honourable Senator Nolin****Honourable Senators:**

Comeau,	Jaffer,	Massicotte,	Prud'homme,
Cook,	Kenny,	Nolin,	Robichaud,
Downe,	Kinsella,	Phalen,	Stollery,
Furey,	* LeBreton (or Comeau),	Poulin,	Stratton.
Hervieux-Payette (or Tardif),			

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays (or Fraser), Jaffer, Kenny, Keon,
LeBreton (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	* Hervieux-Payette (or Tardif),	Milne,	Rivest,
Baker,	Jaffer,	Nolin,	Stratton,
Bryden,	Joyal,	Oliver,	Watt.
Fraser,	* LeBreton (or Comeau),		

*Original Members as nominated by the Committee of Selection**Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,***LeBreton (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

*Original Members agreed to by Motion of the Senate**Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.*

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

Biron,	Eggleton,	Mitchell,	Peterson,
Cowan,	Fox,	Murray,	Ringuette,
Day,	* Hervieux-Payette (or Tardif),	Nancy Ruth,	Stratton.
Di Nino,	* LeBreton (or Comeau),		

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Deputy Chair: Honourable Senator Meighen

Honourable Senators:

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Banks,	Kenny,	Moore,	Zimmer.
Day,	* LeBreton (or Comeau),	St. Germain,	

*Original Members as nominated by the Committee of Selection**Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
LeBreton (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

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Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Meighen.
Day,	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Champagne,	* Hervieux-Payette (or Tardif),	Losier-Cool,	Tardif,
Chaput,	Jaffer,	Murray,	Trenholme Counsell.
Comeau,	* LeBreton (or Comeau),	Robichaud,	

*Original Members as nominated by the Committee of Selection**Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

Andreychuk,	Di Nino,	* LeBreton (or Comeau),	Smith,
Bryden,	* Hervieux-Payette (or Tardif),	Losier-Cool,	Stratton,
Corbin,	Joyal,	McCoy,	Tardif.
Cordy,	Keon,	Robichaud,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

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Joint Chair: Honourable Senator Eyton

Honourable Senators:

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Bryden,	Eyton,	Moore,	St. Germain.

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cook

Honourable Senators:

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Bacon,	Cook,	* LeBreton (or Comeau),	Tkachuk.
Carstairs,	Fairbairn,	Oliver,	

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
*Hays (or Fraser), *LeBreton (or Comeau) Oliver, Stratton, Tkachuk.*

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Deputy Chair: Honourable Senator Keon

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Cochrane,	Fairbairn,	Mercer,	Trenholme Counsell.
Cook,	* Hervieux-Payette (or Tardif),		

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*Hays (or Fraser), Keon, Kirby, *LeBreton (or Comeau), Pépin, Trenholme Counsell.*

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Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

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Bacon,	* Hervieux-Payette (or Tardif),	Merchant,	Trenholme Counsell,
Champagne,	Johnson,	Phalen,	Zimmer.
Dawson,	* LeBreton (or Comeau)		

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

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Deputy Chair: Honourable Senator Keon

Honourable Senators:

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Chaput,	Johnson,	* LeBreton (or Comeau),	Murray,
Cordy,			

Original Members as nominated by the Committee of Selection

*Carstairs, Chaput, Cordy, *Hays (or Fraser), Johnson, Keon, *LeBreton (or Comeau), Mercer, Murray.*

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Andreychuk,	Fraser,	Joyal,	Nolin,
Day,	* Hervieux-Payette (or Tardif),	Kinsella,	Smith.
Fairbairn,	Jaffer,	* LeBreton (or Comeau),	

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal, Kinsella, *LeBreton (or Comeau), Nolin, Smith.*

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Austin,	* Hervieux-Payette (or Tardif),	Munson,	Tkachuk,
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Original Members as nominated by the Committee of Selection

*Adams, Andreychuk, Angus, Austin, Bacon, Baker, Banks, Biron, Carney, *Hays (or Fraser), *LeBreton (or Comeau), Murray.*

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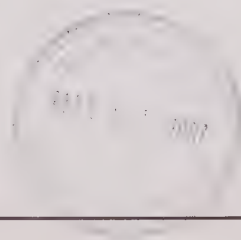
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OFFICIAL REPORT
(HANSARD)

Wednesday, January 31, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Wednesday, January 31, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

RESIDENTIAL SCHOOL SETTLEMENT

Hon. Nick G. Sibbeston: Honourable senators, I am pleased to provide an update on the residential school settlement. Last May Canada finalized an agreement with the assembly of First Nations, the churches and residential schools survivors and their lawyers. The agreement provides a compensation package to everyone who attended Indian residential school. This payment reflects the damage done to culture, language, individuals, families and communities by this experience. Those students who suffered physical and sexual abuse will receive further compensation through a process outlined in the agreement. The agreement also provides funds for ongoing healing and for a truth commission to communicate the whole story to Canadians.

The agreement had to be approved in full by nine provincial and territorial courts. On January 15, the last court, the Northwest Territories Supreme Court, issued its judgment supporting the settlement. Some of the courts raised issues of concern with some of the details of the agreement and gave only conditional approval as a result. However, in a remarkable and unprecedented move, all judges involved in this case met in Calgary to resolve some of these issues and to agree to a joint sitting of all courts to issue a final approval in the near future.

It is not clear whether this will also resolve the matter of the federal appeal of a single element of the Saskatchewan decision, but one must hope that neither the federal government nor the Saskatchewan court will allow this one issue to hold up the entire settlement. The conclusion of the court process marks a major milestone in a long awaited resolution of this difficult episode in Canada's relations with Aboriginal people.

Once final approval is granted, there will be a five-month period within which all residential school survivors can indicate their objection or agreement. I believe the vast majority will accept the settlement, not because it comes close to compensating them for the abuse they suffered, the loss of language and culture they endured or for the impact that residential schools have had on them as students, their families and their communities, but rather, they will accept it in the spirit of reconciliation and healing that is so important to their future and well-being.

I know from personal experience the damage that residential schools caused. I spent 11 years in residential schools in the North after being sent away from home when I was five years old. I have cousins and other relatives who were away from their homes and families for 10, 12, 14 years. Imagine sending your child away for

those many years; it is a very traumatic experience. I am glad to be able to stand here and say that the matter is finally coming to a conclusion. An agreement has been reached and it is just a matter of the courts approving it.

The agreement is vital to Aboriginal people and to Canada in our ongoing efforts to right the wrongs of the past and to meet our long-standing obligations to Aboriginal people. There is much left to do but this agreement is a shining first step and I commend the Government of Canada, both old and new, for taking the step. In the end, I hope and expect Canada to issue a formal and official apology for what happened to Aboriginal people during the many years that these schools operated. Later, I plan to introduce a motion to enable the Senate to contribute to the reconciliation and healing process. I hope that honourable senators will find it in their hearts to agree with the motion.

AUDITOR GENERAL

DISMISSAL OF COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Hon. Grant Mitchell: Honourable senators, I rise today to express my concern about the dismissal of the Commissioner of the Environment and Sustainable Development, Johanne G  linas. In modern democracy the external audit function is vital not only to ensure proper accounting for expenditures, but also to ensure what is referred to as value-for-money auditing. That is, to audit whether programs meet their stated objectives. The independence of state audit institutions is vital for the ongoing transparency and accountability of government.

The role of the environment commissioner, according to the website, is to:

...provide parliamentarians with objective independent analysis and recommendations on the federal government's efforts to protect the environment and foster sustainable development. Encouraging the government to be more accountable for greening its policies, operations and programs is a key to the Commissioner's mandate.

Ms. G  linas has been praised for her work. She has been described as tough but fair. She has been balanced in critiques of government programs, both of the current and the previous government. Her reports have raised serious issues and have held both this government and the previous one to account.

• (1340)

I expect that this afternoon Ms. Fraser, her former employer and boss, will be forthcoming in the testimony to explain why Joanne G  linas was dismissed. I look forward to that testimony, as do, I am sure, all members of the Senate.

[Translation]

• (1345)

THE LATE HONOURABLE CYRIL LLOYD FRANCIS, P.C.

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, it is with great sadness that I pay tribute today to our former colleague, the Honourable Lloyd Francis, who died on January 20 following a battle with cancer. I had the pleasure of wishing him my best shortly before Christmas.

Cyril Lloyd Francis was born in Ottawa in 1920 and joined the Air Force at the beginning of the Second World War, serving two years overseas with the British Royal Air Force. After the war, he lectured in economics and was a senior official in the Department of National Health and Welfare, where he helped devise and implement the Canada Pension Plan.

In 1958, he became the President of the Professional Institute of the Public Service of Canada and the following year, he entered municipal politics and became the Deputy Mayor of Ottawa from 1960 to 1963. He ran in the 1963 federal election in the riding of Carleton, making history as the first Liberal to be elected there since Confederation.

[English]

From 1963 to 1984, 21 years, he represented the ridings of Carleton and Ottawa West for all but five years, serving his constituents and Parliament with great skill and tireless dedication as parliamentary secretary, Deputy Speaker and finally as Speaker. Following his defeat in 1984, he went on to serve as Ambassador to Portugal and delegate to the United Nations.

[Translation]

I had the great privilege of meeting Lloyd Francis in 1979 when I was elected to the House of Commons. I admired his frankness, his intelligence and his sense of conviction, not just as a member of Parliament, but as Deputy Speaker and Speaker of the House of Commons.

Those of us who have been members of Parliament will never forget the confidence and sang-froid he demonstrated as Deputy Speaker during the 1981 debate on repatriating the Constitution.

[English]

According to his son, Paul, who delivered a moving tribute to him last Saturday during the memorial service, Lloyd Francis was a man who valued intelligence, openness and, above all, public service. His dedication and integrity earned him countless friends and admirers — I am one of them — and his passing leaves all those who knew and loved him with a deep sense of loss.

On behalf of my colleagues on this side of the chamber and my colleagues on the other side, I extend my heartfelt sympathies to his wife, Mary, and his three children.

ROUTINE PROCEEDINGS

CANADA-JAPAN INTER-PARLIAMENTARY GROUP

ANNUAL BILATERAL MEETING,
NOVEMBER 12-17, 2006—REPORT TABLED

Hon. David Tkachuk: Honourable senators, I have the honour to table, in both official languages, the report of the Canada-Japan Inter-Parliamentary Group following the fourteenth Annual Bilateral Meeting, held in Japan from November 12 to 17, 2006.

INTER-PARLIAMENTARY UNION

ANNUAL ASSEMBLY AND RELATED MEETINGS,
MAY 7-12, 2006—REPORT TABLED

Hon. Donald H. Oliver: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian parliamentary-delegation of the Inter-Parliamentary Union, which participated in the one hundred and fourteenth IPU Assembly and Related Meetings held in Nairobi, Kenya, from May 7 to 12, 2006.

[Translation]

QUESTION PERIOD

THE ENVIRONMENT

GREENHOUSE GAS EMISSIONS—
POSITION OF PRIME MINISTER

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, at this very moment in Paris, scientists from around the world are meeting to discuss climate change. This meeting is being held under the aegis of the Intergovernmental Panel on Climate Change, whose members are scientists from the World Meteorological Organization and the United Nations Environment Programme.

The Panel's report will be released shortly and promises to be unequivocal. Its warnings are usually clear, and the members of the scientific community agree that the situation is dire. Yet the Prime Minister continues to deny that climate change is a reality.

In a fundraising letter for his party, the Conservative Party, the Prime Minister described the Kyoto Protocol as "a socialist scheme to suck money out of wealth-producing nations". He also said that the Kyoto Protocol was, and I quote, "based on tentative and contradictory scientific evidence about climate trends".

Why would the Prime Minister, who tried then to mislead Canadians about climate change and the Kyoto Protocol, be any more credible now on this issue?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The government eagerly awaits the report from the United Nations, to which she referred. With regard to the letter that Senator Hervieux-Payette referred to, the Prime Minister indicated in his 2006 year-end interviews, and as he has shown by his actions, that Canadians have expressed a keen desire to have government work diligently on environmental issues. Canadians, no matter their political stripe, would not want this matter to become an excessively partisan issue. Rather, they want to know that all parties will work together to resolve these issues.

However, comments have been made by some Liberal members of Parliament regarding the environment. In 2002, at about the same time that the letter referred to by the honourable senator was produced, Mr. Keith Martin said, "It is sad that Kyoto is a shell game." Former Liberal leadership candidate, Scott Brison, talked about the damage that the Kyoto Protocol would do to the Canadian economy and he voted against it.

Within the past year, Liberal Party deputy leader Michael Ignatieff, said, "I think our party has got into a mess on the environment. As a practical matter of politics, no one knows what Kyoto is or what it commits us to."

• (1350)

Honourable senators, in the House of Commons there seems to be an agreement of common support for efforts on the environment from the New Democratic Party, the Conservative Party and the Bloc Québécois. Unfortunately, from what I am told, only the Liberal members of the House Committee on the Environment and Sustainable Development do not want to cooperate to strengthen the clean air act and work on behalf of all Canadians to ensure that Canada does its part in reducing greenhouse gases, dealing with smog, ensuring we have clear water, and in removing toxins from household products and the food we eat.

[Translation]

Senator Hervieux-Payette: In my opinion, this letter is not an isolated incident where the Prime Minister said what he really thought. The Prime Minister once said in the other place that carbon dioxide was not a pollutant. He even added that climate change was only a scientific hypothesis, and a controversial one. He also said, "This may be a lot of fun for a few scientific and environmental elites in Ottawa, but ordinary people across the country will not pay for how it affects their quality of life".

Can the Leader of the Government tell us how we can believe the Prime Minister when he says today that he wants to take action to stop climate change?

[English]

Senator LeBreton: Honourable senators, I think the Prime Minister, by his actions and his words, is seized of this matter, as is the government. He has stated that clearly, and it is obvious from the efforts of the government since last fall, when we started to work on these issues, including announcements that were made before the end of the last session on toxins. As a government, we will take measures to work on all these issues of concern on the environment, not just talk about them.

AUDITOR GENERAL

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT—REQUEST THAT POSITION BE DESIGNATED OFFICER OF PARLIAMENT

Hon. Lorna Milne: Honourable senators, my question is for the Leader of the Government and Secretary of State for Seniors. Senators on both sides of this chamber can testify what a valuable resource Johanne Gélinas has been to the Standing Senate Committee on Energy, the Environment and Natural Resources. Her input over the last few years, as Senator Cochrane can testify, has been invaluable.

I ask the minister to implore the government to make the position of the Commissioner of the Environment and Sustainable Development an independent position that reports directly to Parliament, as do all the other commissioners. This position is so important that a report should not be filtered through the Auditor General or through a parliamentary committee. It should be given directly to Parliament.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for that question. As all of us know, this dismissal was a complete surprise to everyone. I understand the Auditor General is appearing before a committee in the other place today.

The news last night was unfortunate. On this side, we were mindful of Ms. Gélinas' reports last fall. She was clear and concise about the inactivity and the inaction of the previous government, and we took note of that. She also urged our government to move forward, and we took note of that as well.

• (1355)

I was disappointed to hear the leader of the Liberal Party, Mr. Stéphane Dion, actually suggest last night on television that she had been fired by our government. That suggestion was remarkable. It was even more remarkable, honourable senators, that Keith Boag of the CBC had to correct the leader of the Liberal Party by saying that Ms. Gélinas was dismissed by the Auditor General, as even Ms. Gélinas herself had said.

Senator Milne: Honourable senators, I point out to the Leader of the Government and Secretary of State for Seniors that my question was serious. It was not political: it was serious. However, if she wants political, I can do that, too.

I point out that the role of the Commissioner of the Environment and Sustainable Development, as described on the Auditor General's own website is to give parliamentarians

... objective, independent analysis and recommendations on the federal government's efforts to protect the environment and foster sustainable development.

Encouraging the government to be more accountable for greening its policies, operations, and programs is a key to the Commissioner's mandate.

I ask again: In what way did Ms. Gélinas exceed her role? She will be a great loss to Parliament. Will this situation lead to this government creating an independent Officer of Parliament to provide Canadians with objective analysis of the federal government's efforts to protect our environment? That is the question.

Senator LeBreton: I thank the honourable senator for that question. I apologize; I was so carried away with what happened on the CBC last night that I did not finish answering her question.

I cannot answer for the Auditor General's motives, so I cannot comment on the first part of Senator Milne's question. Her suggestion that an environmental commissioner be responsible to Parliament is valid. I wonder if the past government ever had an opportunity to contemplate such a suggestion, but it is a good one. I will take the question as notice and undertake to speak to my colleagues about whether we would be prepared to consider this suggestion, or whether it is something we, as parliamentarians, should consider.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in the gallery of His Excellency Omar Samad, Ambassador of the Islamic Republic of Afghanistan. He is here today, honourable senators, on the first anniversary of the Afghanistan compact.

On behalf of all honourable senators, Your Excellency, I welcome you and your colleagues to the Senate of Canada.

Hon. Senators: Hear, hear!

CONSTITUTION ACT, 1867

STATUS OF BILL S-4—FIXED TERMS FOR SENATORS

Hon. David Tkachuk: Honourable senators, I have a question for the Leader of the Government in the Senate concerning the government's initiatives on democratic reform, specifically on the concept of fixed terms for new appointees to this house.

The recently elected leader of the Liberal Party of Canada, Mr. Dion, during his campaign for leader and on his website, has stated that he favours fixed terms for senators. The Liberal critic on Bill S-4, Senator Hays, with whom I was honoured to sit on the same committee on democratic reform and who is the critic on this bill, also agrees in principle with this bill, setting fixed terms.

Has the new leadership of the Senate Liberal caucus given any indication of when the bill can be expected to go to committee?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Tkachuk for his question. I am aware of the statements of the Leader of the Opposition in the other place in support of fixed terms for senators.

Perhaps I will be able to answer this question after Question Period, and consult with the Leader of the Opposition in the Senate. I have no sense from people who have talked to the

Leader of the Opposition in the other place that he has communicated to his own colleagues, either in the House of Commons or in the Senate, that he does, in fact, favour fixed terms for senators.

• (1400)

However, as the honourable senator asked the question and it is now part of the public discourse, I urge all parliamentarians who are sitting in the opposition Liberal Party to support their leader, Mr. Stéphane Dion, on at least this one issue, in support of tenure for senators.

Senator Tkachuk: The committee on democratic reform no longer exists, but this issue has seized members on both sides for some time. We thought that once the study was complete, the bill would be sent to the other chamber for deliberations and study.

I believe this bill was introduced last May, and a considerable amount of time has passed since then. We are still waiting to see what will happen. I also note that the two leaders of the Senate caucus on the other side are supporters of Mr. Dion and have been since the beginning. Mr. Dion has made clear his views on Senate reform. He is in agreement with the principle of fixed terms. As an independent Conservative senator, and as it seems that both sides agree on the principle of the bill, I urge that we get some agreement to move this bill into the busy Legal and Constitutional Affairs Committee.

Senator LeBreton: Before the Christmas break, many of us held the view that because Bill S-4 was a clear bill and had been referred to Senator Hays' special committee for a study that would be sufficient. We argued that it should not have to go back to committee after second reading. There were some suggestions that because it had been studied in a special committee and is an issue that involves all senators, it could have been referred to the Committee of the Whole, so each senator could participate in the debate. That did not meet approval, and given the obvious inability of our side to win a vote or affect the numbers, it was agreed that once the bill moved through second reading, it would not be referred to the Standing Senate Committee on Legal and Constitutional Affairs. That is where the matter now stands.

I ask that the Leader of the Opposition in the Senate urge upon her colleagues and on her leadership in the other place to support the wishes of the Leader of the Opposition in the other place, who supports Senate tenure, and get it moved into committee.

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to clarify a certain point. The Leader of the Government in the Senate did not contact me about this matter. Some honourable senators wish to interject and are asking to address the chamber. We have informed the Deputy Leader of the Government. I would be happy to speak to him about this. Any change in the status of an institution that is more than one hundred years old is something that we take very seriously. We wish to contribute to this debate and we will be ready for the question when my caucus and my leader reach an agreement on this matter.

• (1405)

[English]

Hon. Marcel Prud'homme: Honourable senators, first I congratulate Senator Céline Hervieux-Payette, Senator Claudette Tardif and Senator James Cowan on their appointments. The appointments pleased me very much, with all due sadness for those who departed.

Second, I will ask a supplementary question. I was a member of the House of Commons in the 1960s when the first step was taken to make changes in this place. I have heard the exact words clearly. Those who have a good institutional memory will remember back to 1964 and 1965 when we changed the length of appointments to the Senate. At that time, I knew all the appointees. As you know, 74 women have been appointed to the Senate. I have known 73 of them personally, and I have been here to see 66 women appointed to the Senate or elected to the House of Commons.

The argument that I heard then, when the tenure of appointments went from lifetime to 75, is exactly the kind of comment I hear today. I will vote for this bill as long as the government accepts an amendment. Someone suggested 12 years. If I have agreement I will make a motion. I am sure someone will second my motion. I am sure honourable senators will understand my point of view given where I sit now. My motion in amendment will propose terms of 10 years. This amendment does not go against our great tradition. After all, in the committee Mr. Harper himself said he could live with 10 years. He did not say 12 years, he said 10, but I do not suggest 10 years just because he said 10 years.

Therefore my question to the Leader of the Government and Secretary of State for Seniors is this: Is the government open to amendments?

Senator LeBreton: I thank the honourable senator for the question. The Prime Minister made it clear when he appeared before the committee, as the honourable senator stated, he was open to an amendment. I believe that has been pretty well understood. However, the issue here is Senate tenure. Whatever the amendment is, whether it is the eight as we propose, 10 as the honourable senator proposes, or 12 as others propose, let us agree on the premise of Senate tenure and send it to committee, hear witnesses, receive amendments and then get this bill out of the Senate and into the House of Commons so it can be debated properly by the full Parliament, the upper and lower houses.

I appreciate the honourable senator's question and I think all of us are prepared to consider any amendment in terms of the length of term. Unfortunately, we have not even had a chance to pass second reading on the bill and send it to committee.

Senator Prud'homme: We all know the immense difficulty both major parties are having in terms of finding women to run for office in the House of Commons. I am one of the many who is concerned and I am ready to go public if I can find people to join me in a press conference. Until the day when we can really amend the Senate, the Prime Minister of Canada should make an announcement. Would the honourable leader again kindly put the suggestion I made to him and to others. Mr. Chrétien did a

fabulous job. He appointed 33 of the 74 women appointed since Confederation. He made a good effort. The Prime Minister should say that in view of the fact it is difficult to find women to run for election in the House of Commons, it is his intention to appoint only women to the Senate until the day we have 53 women and 52 men. He should announce that across Canada. Where there are vacancies he should ask every women's association to apply and then choose from those applicants until the day we actually amend the Constitution. Then they will have a house where women will be represented and we will have achieved a critical mass.

• (1410)

I know some do not take this seriously, but if there are 53 women — I experienced this in caucus — once there is a critical mass, it will be easy for those 53 women to go out into the country and convince other women to run for the House of Commons. It is only a suggestion, but one that should not be dismissed.

Senator LeBreton: Honourable senators, the honourable senator has spoken to me previously about his suggestion. I agree that Mr. Chrétien and Mr. Mulroney did a very good job of appointing women to this chamber. Mr. Mulroney started the process. There had not been many women before that time.

Senator Prud'homme: Mr. Chrétien appointed 12 women and Mr. Pearson appointed only one.

Senator LeBreton: That is correct. The honourable senator makes an interesting suggestion, and I will be very happy to communicate it to the Prime Minister, though I doubt I have to because, as I have said before, the Prime Minister follows the proceedings of the Senate.

JUSTICE

RIGHT HONOURABLE BRIAN MULRONEY— CASE OF ALLEGED BRIBES AND KICKBACKS

Hon. Terry M. Mercer: Honourable senators, I rise today to direct questions to the Leader of the Government in the Senate regarding a more than 10-year-old story of corruption in high places, a story called the Airbus scandal or the Mulroney-Schreiber affair.

During his tenure as Prime Minister, Brian Mulroney had what has been characterized as an unusual financial relationship with one Karlheinz Schreiber, a relationship shrouded in mystery, which involved others as well.

Canadians will remember that Mr. Mulroney brought a lawsuit against the Government of Canada for alleged damage to his reputation regarding monies that he reportedly denied having received from Mr. Schreiber. These allegations had been pursued against Mr. Mulroney through the Department of Justice and the RCMP.

Mr. Mulroney was subsequently awarded a magnificent sum of \$2.1 million to satisfy his hurt feelings. It has since been revealed that Mr. Mulroney may have lied under oath about receiving monies from Mr. Schreiber. There is now evidence that Mr. Mulroney received three allotments of \$100,000 cash at various hotels in Canada and the United States from

Mr. Schreiber. It is unclear whether the cash was in brown envelopes, containing \$100 bills, \$20 bills, or whether the envelopes were slipped over or under the table.

[Translation]

It is now apparent that Mr. Mulroney's defence during the initial stages of the court proceedings has unravelled, exposing Mr. Mulroney's real behaviour.

Can the Leader of the Government in the Senate confirm that new proceedings have begun against Mr. Mulroney in order to recover the monies paid to him by the Government of Canada?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. The premise of the question is totally false, and there is nothing more to be said on this matter.

Senator Mercer: According to a recent article in *The Globe and Mail*, the Department of Justice explored the possibility last February, after this government took office, of setting aside the 1997 \$2.1 million settlement with Mr. Mulroney because of allegations that the former Prime Minister had indeed accepted \$300,000 in cash from German-Canadian businessman Karlheinz Schreiber.

Recently released documents show that a department official prepared a draft briefing note outlining how, under Quebec law, the government might seek to set aside Mr. Mulroney's settlement. The draft briefing note was written shortly after the CBC program, *The Fifth Estate*, aired a documentary that described allegations that Mr. Mulroney accepted cash from Mr. Schreiber that had been withdrawn from Swiss bank accounts linked to the Airbus affair, information that I spoke about earlier. This information also reveals that the office of the then newly-minted Minister of Justice, Vic Toews, requested the briefing note in the first place. On February 9, the minister's office asks for information on the Schreiber case.

I ask the Leader of the Government in the Senate again: Can the honourable senator confirm that new proceedings will begin against Mr. Mulroney in order to recover the monies since the government's own Department of Justice is wondering why this settlement was ever made in the first place? When will Canadians get their money back?

Senator LeBreton: I thank the honourable senator for his question. Again, what he states is totally false. I invite him to repeat those statements outside the chamber.

• (1415)

Mr. Mulroney has done nothing wrong or illegal and the premise of the honourable senator's question is false. This matter is settled and there is absolutely no truth to what the honourable senator has stated. There is no truth to *The Fifth Estate* program, which appeared at this time last year. The matter is closed. Mr. Mulroney is a wonderful individual, he was a good Prime Minister and he does not deserve this kind of treatment.

LEADER OF THE GOVERNMENT

FREEDOM OF SPEECH—RESPONSE TO ALLEGATIONS LEVELLED BY UNIVERSITY OF OTTAWA PROFESSORS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, as we all know, freedom of expression is a fundamental right that is dear to all Canadians.

Here in the Senate, we are proud to say that we enjoy greater freedom and independence than the other place. Moreover, in a democracy, we recognize that it is essential that our universities allow for the free exchange, development and circulation of ideas. This is why university professors enjoy academic freedom.

As a former university professor and administrator, I was troubled to read that a member of the government and a senator had tried to interfere in the internal affairs of the University of Ottawa, by denouncing the perspectives defended by a recognized, veteran professor of constitutional history at the university.

Can the minister assure us that the federal government will not try to muzzle our country's scholars, one by one, and that it will defend the academic freedom of our universities?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. It will give me a chance to tell the real story, as opposed to what Lawrence Martin wrote in a column in *The Globe and Mail*, which seems to suggest that I do not support freedom of expression and speech, particularly for people who teach in our universities.

Someone asked me if I was upset about what Mr. Martin wrote and I said I thought it was a great article. They said that I must not have read it. I replied that I did not care what Mr. Martin said, the picture was terrific.

In any event, with regard to the story here, a professor at the University of Ottawa made false statements about me and Mr. Mulroney. I sought to have those removed. They appeared in an article in the *Ottawa Citizen*, and the *Ottawa Citizen* apologized.

I wrote to the University of Ottawa and copied the professor in question. I stated in the letter that I had every respect for people's right to their own opinions, but they did not have the right to tell a falsehood. I was simply asking for an apology for a falsehood.

Hon. Jeremiah S. Grafstein: Honourable senators, I have a supplementary question. The situation is obviously of some delicacy. A number of us contribute to universities; and all of us in this chamber respect the universities as a place where freedom of speech is to be exercised as part of the democratic process.

Is the leader, in her capacity as minister, at least sensitive to the fact that as a minister of the Crown responsible for federal funding of universities, she is in somewhat of a different position than an individual senator or contributor to the university who

can exchange viewpoints with the professor? Does she not think that there is a difference in having taken the position as a minister?

I have no problem with the situation in her individual capacity, which I respect. I and others here are contributors to universities, and when we disagree with those in universities, we have a right to challenge them and exercise our freedom of expression. I do not quarrel with that.

• (1420)

The minister in a cabinet responsible for federal funding of universities has a different set of sensibilities and responsibilities. I raise the question as to whether or not this gives the honourable senator some pause to consider whether she, in her capacity as minister of the Crown, now exchanges viewpoints with a university professor and leaves the impression that it is not just a question of an exchange between a senator and a contributor? In other words, it seems the exchange is with a minister of the Crown, who has all of the attendant responsibilities of power, and she then raises questions of conflict with respect to the university. Does that not give her some question of pause, having said at the outset that we respect any senator's right to exchange views with a university professor?

In this instance, I read with great care professor Behiels article. I can understand the leaders concern, but there is a different set of sensibilities here, particularly when she is a minister of the Crown who has the power to exercise her will, not only as a senator, but also in her capacity as the minister of the Crown with respect to funding of universities.

Senator LeBreton: I thank the honourable senator. I did provide a copy of my letter to Lawrence Martin, by the way. He conveniently did not bother to repeat what I said in the letter.

I was not arguing with the professor on any constitutional or philosophical view that he had. I simply wanted him to acknowledge that he had told a falsehood. His views on the Constitution are well known. I happen not to share his views. I did not get into that. He wrote the column identifying himself with the university. I believe, as a citizen, whether I happen to be a cabinet minister or a senator, that each of us is entitled to ask for an apology when a falsehood has been expressed.

I even said in the letter that I support the University of Ottawa. There is a scholarship there in the name of my late daughter and grandson.

All I ask for is an apology. Lawrence Martin did not make that clear. However, I do not think the fact that I am a cabinet minister or a senator matters. I just asked for a simple apology to a clear falsehood, and that was the end of the story.

Senator Grafstein: Honourable senators, I have a brief supplementary question, and I will not belabour this issue. The facts are important. I appreciate that the minister has laid out these facts, but she said something that piqued my interest. She said in her personal capacity and therefore, I assume that when she responded to the university or responded by asking for an apology she used her personal stationery as opposed to the Leader of the Government in the Senate's stationery. Is that so?

[Senator Grafstein]

Senator LeBreton: I used my regular Senate stationery. I actually wrote the *Ottawa Citizen* via email and I copied my email exchange with the *Ottawa Citizen* to the University of Ottawa and I also sent a copy to the professor in question. I was simply asking for a simple apology. I still do not think that is wrong.

I received an apology from the *Ottawa Citizen*, but I did not receive an apology from the person who said the untruthful comment in the first place.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

TRANSPORT, INFRASTRUCTURE
AND COMMUNITIES—CANADA POST

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 17 on the Order Paper—by Senator Chaput.

• (1425)

[English]

ORDERS OF THE DAY

NATIONAL DEFENCE ACT
CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT
CRIMINAL RECORDS ACT

BILL TO AMEND—THIRD READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Nolin, for the third reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act.

Hon. Serge Joyal: Honourable senators, I rise today to speak at third reading of Bill S-3 because of the seriousness of its subject matter. Bill S-3 deals with women in the army who are victims of sexual assault and whose offenders have been recognized as such. The bill would create a special regime to allow male members of the Armed Forces not to be registered in the sex offender registry and their names not to be disclosed to police forces should other allegations of sexual assault arise.

This matter is serious, honourable senators. We know that the Canadian Armed Forces are currently recruiting to meet new recruiting requirements. I do not need to expand on that because many honourable senators have read about those recruitment objectives.

Essentially, what are we talking about when we talk about women in the Armed Forces? The latest statistics of women's participation in the Armed Forces show that 13 per cent are in the regular Armed Forces, 23 per cent of whom are in the reserve forces. The 13 per cent are distributed within the army ranks.

I thank the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, Senator Oliver, for his chairmanship throughout the study of Bill S-3. The committee heard testimony from two credible and, in my opinion, important witnesses: Ms. Karen Davis, a defence scientist at the Canadian Forces Leadership Institute in Kingston, Ontario, who served in the army for many years as a personnel selection officer; and Dr. Marcia Kovitz, professor and Chair of the Department of Sociology and Anthropology at John Abbott College, an affiliate of the McGill Centre for Research and Teaching on Women. Professor Kovitz earned her Ph.D. on the study of the plight of women as victims of sexual offences in the army. She authored the first chapter, "The Roots of Military Masculinity," in the book, *Military Masculinities: Identity and the State*. The testimony of these two important witnesses provided the committee with the most up-to-date information on that issue. According to the latest statistics, the percentage distribution in the army is as follows: 72 per cent of the women are nurses; 73 per cent of medical doctors are men; women comprise less than 4 per cent of pilots, combat officers and soldiers, and maintenance- and engineering-related trades. Those numbers show that women continue to be employed in positions that reflect traditional gender structures in the workplace. However, that gender structure does not prevent women from losing their lives on the battlefield. All honourable senators will remember that on May 17, 2006, Captain Nicola Goddard, 26 years old, lost her life in Afghanistan.

We know that when women join the first rank of combat forces, they face exactly the same responsibility as the men. However, when women join the army, they face an additional obstacle: they are women and, being women, they enter a male-dominated world, where they become, to some males, objects.

I refer honourable senators the report of that special study. The conclusion clearly summarized that the male culture and associated ideology in reference to the social and sexual behaviour of women coupled with the low power status of women in the military provides its own definition of harassment, fraternization and social and sexual behaviour.

• (1430)

Women who come forward with allegations of harassment may already be perceived as a problem. Speaking up may only serve to confirm this perception. Not only are women running a risk in the army, but if they come forward, they are perceived to be troublemakers, individuals who cannot make it.

If a woman finally succeeds in her complaint of sexual harassment to have the person, a male — without any reference to rank — convicted, she faces the situation of continuing to work in the same unit for operational purposes. This creates an additional plight for women who have gone through the legal military system.

Honourable senators, there are two important issues. If we are to create an exception that allows the military not to register persons who have been found guilty of sexual offences, the system

must be transparent. We have to know what it is all about because we would create the perception that a man responsible for a sexual offence is protected in that his name will not be in the sexual registry. We need a strict and well-framed regime so that the perception is not created that we are establishing a cloud of protection for a person, a male in the army who has been found guilty of a sexual offence.

When we studied that bill and heard those two witnesses, they came to specific conclusions, which I would like to read to honourable senators. They are very simple.

Professors Davis and Kovitz concluded that the sections of the bill which deal with those exemptions of registration in the sexual registry provide unwarranted suspension. They are not sufficiently precise in identifying what constitutes an operational reason not to register the name in the registry. They are not sufficiently precise in determining the overall length of time that the operational reasons allow the name to not be put in the registry. Finally, they allow for the potential employment of an offender in an environment that presents real or perceived risk to the victim.

Honourable senators, we had to wrestle with those four preoccupations: When is the suspension of writing the names in the registry warranted? What are the conditions for which the names should not be in the registry? How long can the names be excluded from the registry? How do we deal with a member of the Armed Forces who has been recognized as a victim and would be compelled to work in the same environment that would bring her close to the offender?

We have heard the representative of the Canadian Armed Forces. There is no doubt that there has been improvement in the conditions for women compared to 15 years ago, but there are still major problems. The ombudsman of the army, in his November 2005 report, concluded that a number of improvements have to be implemented for victims as to how they are treated during a criminal investigation in relation to a sexual offence. In other words, the system is not yet perfect.

Transparency is a key issue for the military justice and military police system. Senator Nolin will remember that when we went through the amendments to the National Defence Act, we reviewed the report of former Chief Justice Lamer published in September 2003, which was essentially a follow-up to former Chief Justice Dickson's report that highlighted the importance of independent oversight of the military police and the military justice system. I would refer honourable senators to pages 77 and 78 of that report.

I recognize that Bill S-3 has been improved from the original script of Bill S-39 a year and a half ago. I praise the Minister of National Defence, who has given some protection of civilian control over authorizations not to register the name, but there must be a further step. It is important that Parliament be informed when such an authorization has been given. A November 2005 letter from the Deputy Judge Advocate General, Military Justice, to the clerk of our committee clearly established clearly, in a chart, the court-martial date, the rank of the member of the Armed Forces who was the offender, the charge, the details of the charge and then the administrative

procedure. Of course, we have no name and no details of where the offence took place so that we protect the privacy of the victim and the civilian context of the situation. However, we can have those other details.

I humbly submit to honourable senators that this bill should require the Minister of National Defence, in his annual report, to report to Parliament exactly the same details that we receive from the Deputy Judge Advocate General so that we would know on a yearly basis how many exceptions were created to not place in the registry the name of the sexual offender in the army.

Following those points, honourable senators, I move:

That Bill S-3 be not now read a third time but that it be amended in clause 4,

(a) on page 14, by adding after line 24 the following:

“(1.1) If the Chief of the Defence Staff is considering making a determination, he or she shall notify the Minister before making the determination.

(1.2) The Chief of the Defence Staff may make a determination only if he or she is of the opinion that the operational reasons are of such an exigent nature as to outweigh the public interest in applying the provisions of this Act that would, but for the determination, be applicable in the circumstances.”; and

(b) on page 16,

(i) by adding after line 3 the following:

“(6) The Chief of the Defence Staff shall, every 15 days after making a determination under this section, consider whether the operational reasons continue to apply and, if they do not, shall revise the date on which the operational reasons cease to apply accordingly.

(7) Subsection (6) applies until the date that is provided in the notice under subsection (4) as the date on which the operational reasons cease to apply, unless a revision is made under subsection (6).

(8) If a revision is made under subsection (6),

(a) the Chief of the Defence Staff shall, without delay, notify the Provost Marshal of the revision;

(b) the Provost Marshal shall, without delay, notify the person who is the subject of the determination of the revision;

(c) in the case of a determination made under paragraph 1(b) or (c), the Provost Marshal shall, without delay, notify the persons referred to in paragraph 5(a) or (b) of the revision and of the revised date on which the suspension of the time limit or proceeding ceases to apply; and

(d) a person who registers information for the Provost Marshal shall revise the date that was registered under paragraph 8.27(a) of the *Sex Offender Information Registration Act* as the date on which the suspension of the time limit, proceeding or obligations ceases to apply.”, and

(ii) by adding after line 31 the following:

2.27.171(1) The Chief of the Defence Staff shall, within 30 days after the end of each year, submit a report to the Minister on the operation of sections 227.15 and 227.16 for that year that includes

(a) the number of determinations that were made under each of paragraphs 227.15(1)(a) to (d) and the duration of the suspension of the time limit, proceeding or obligation resulting from each determination; and

(b) the number of determinations that were made under subsection 227.16(1) and the number of persons who were exempted under subsection 227.16(4) as a result of each determination.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives the report.

On motion of Senator Oliver, debate adjourned.

• (1440)

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Does someone move adjournment of the debate?

Hon. Sharon Carstairs: I move the adjournment of the debate.

The Hon. the Speaker: Is it agreed?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Will all those in favour of the motion signify by saying "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will all those contraminded say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the yeas have it.

On motion of Senator Carstairs, debate adjourned, on division.

BUDGET IMPLEMENTATION BILL, 2006, NO. 2

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, for the second reading of Bill C-28, a second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

Hon. Grant Mitchell: Honourable senators, it is with honour that I rise to speak to this budget. While I will start with being positive, I am hard pressed to sustain that for the 45 minutes I have to speak about this budget.

There are commendable things in this budget. I could list them by reading previous Liberal budgets because most of the commendable things appeared in those budgets. I notice the increase in tax exemptions for fishers; I commend the government for bringing that in. Small- and medium-sized business in this country, particularly fishers, people who work in the commodity industries in this country, deserve that kind of assistance. In fact, it is overdue and it is good that it has been brought in.

There are probably other things that commend this budget, but they do not jump off the page at me. Instead, I see three themes that concern me deeply. The first one, in particular, puzzles me. It is one of the great ironies of Canadian, North American and probably world politics that, while the myth is perpetrated that conservatives are best at running economies, it always seems that, when one scrapes below the surface, it simply is not the case.

You would think that in the first purely Conservative budget bill — because the earlier one was a carryover in part from the Liberals — the Conservatives, if they lived up to their reputation, would have focused on the economy and one of the critical issues in our economy today, which is productivity. Not only is productivity not addressed in this particular budget, the government has taken steps in this budget, and in its other economic policy over last year, to reduce the productivity of our economy. This is at a time when productivity is an overwhelming issue for our economy and at a time when our economy is falling significantly behind one of our key trading partners, the United States.

How do I conclude that this budget has hurt the productivity of our economy and of our country? First, it does precious little for education. In fact, it has stated that it is somehow helping education by bringing in this textbook tax credit. The textbook tax credit works only for those who have enough money to go to a post-secondary institution in this country, and only if they have taxable income once they get there. If those two provisions occur, then they would get \$77.50. That is unlikely to stimulate education or to open up greater access for people who now have limited access to education. This education textbook tax credit, which has been construed as some kind of initiative to support post-secondary education and lifelong learning in this country, simply will not do that.

A second initiative in that regard is the exemption for scholarship income. Again, most people who receive scholarship income, I wager, do not have taxable income. They were not paying taxes on that money in any event, so this initiative will not open up greater access, nor will it give them more money to allow them to pursue education at a higher level longer. It will not do anything except, perhaps, send this artificial spin message on behalf of the government that somehow they are doing something for education. They simply are not.

Measure that against the Liberals' initiative to assist significantly with tuition in first and fourth year in post-secondary university education systems. That was an initiative. Hopefully, one day it will again be the initiative of the next government. That would truly open up access for people who are limited in their access to a post-secondary institution because they do not have enough money to go to the institution, let alone to buy the books. Neither do they have the taxable income that would allow them to receive the paltry \$77.50, which would not help them go to university anyway.

The second theme that concerns me about this budget is that, for all that has been said about this government's ability to do politics, probably one of the most significant political issues in the last 50 years of this country was the environment — that is to say, global warming. These political geniuses missed it. It is almost incomprehensible to consider that they did, but they did. It is evident in this budget that it has been missed. The only thing in this budget that would confront the environmental issue is the transit tax credit.

Once again, I come back to conditions one needs to fulfil to get that tax credit. First, they need an income. Second, the income needs to be large enough to be taxable. Third, if they have both of those things, they probably do not need the \$12 a month that the initiative might assist them to recover in the event that they were taking the bus. The former Minister of the Environment, Rona Ambrose, made the point — though it has not been confirmed, nor could it be probably — that the transit tax credit has taken the equivalent of 56,000 cars off the road. Honourable senators, \$12 per month has caused 56,000 Canadians to stop driving their car. It is absolutely implausible and it has not occurred. If we want to do something about public transit, we should be taking money and directing it specifically to upgrading public transit. We need a national transit policy that will allow us to coordinate transit programs across the country. Municipalities and cities in different regions often have many of the same problems, but this kind of piecemeal \$12 a month program does nothing for either transit or the environment.

• (1450)

The government, which is now reverse field, cancelled all kinds of Liberal programs that had efficiency ratings as high as \$10 a ton of saved CO₂. This program, if it were to save any CO₂ at all, which is questionable, would probably be in the order of \$2,500 a ton. It simply defies logic, colleagues, that this would be construed as a transit policy, an assistance to people who are in need or an environmental policy.

The overriding theme in this budget that concerns me deeply, honourable senators, is that it emphasizes help for the advantaged, does nothing for the disadvantaged and does that in a cynical way in most places.

I will use as an example the fitness tax credit. In order to achieve that, you have to meet certain qualifications. You have to have an income that is taxable, and you have to have as much as \$500 to put toward some kind of physical activity for your children.

Senator Mercer: Does that work in the inner city?

Senator Mitchell: That is exactly the point. I noticed Senator Di Nino yesterday listing the activities that would qualify for this credit. Many are quite common Canadian activities. I wonder how many inner city kids are in an organized hiking program. I was struck that hiking was on that list. How many inner city kids have parents who can afford to pay \$500 to play hockey? What if you are an inner city child and your parent has \$35 to get you in a soccer program? How does that help the parent who does not have a taxable income?? The program simply does not help impoverished and underprivileged families in this country. I can imagine a case where a family whose children are enrolled in polo and own horses and get lessons.

Senator Mercer: That is their constituency.

Senator Mitchell: They could get the \$500 write-off. They would be eligible for that and get the \$77.50. I can imagine families who have the money to rent ice for figure skating, an extremely expensive sport. They would have the \$500, get to write that off and get the \$77.50. I can also imagine the thousands of families whose children simply do not get to participate in programs like hockey, baseball and soccer simply because they do not have the money, and this program will not reach those children.

Imagine the \$160 million that it will supposedly cost. Imagine what could be done if it could go to early childhood education, so that children who are less advantaged or underprivileged would have a chance early in life to get the start that the children of people in rooms like this one simply take for granted.

I am also concerned that this budget is part of a financial plan that increases taxes on the lowest income Canadians, those who at least have enough income to begin to pay taxes. They were taxed at 15 per cent, and now they are taxed at 15.5 per cent.

You have to ask yourself what is it about this budget? Where does this budget come from? What other things could this budget have done? What priorities should it have reached?

Clearly, the budget should be focusing on the environment. Maybe the government is beginning to do that, but we have lost a

year in programs that were up and running on Kyoto. I do not believe for a minute that Kyoto is not achievable. I have profound faith that Canadians are capable of great, remarkable things, and if they are focused, challenged, measured and given leadership in a way that was beginning to emerge, then all is possible. However, that is not in this budget, and it has missed a chance to lead Canadians in a way that would inspire greatness in this country on a world scale in an issue that is of our time and needs to be addressed.

In the area of education, I have mentioned that the tuition program was going to open up access and reduce costs in a real way for Canadians to enter post-secondary education. One project that would have tremendous impact at the post-secondary research level is the Canada school of energy project proposed by the University of Alberta, the University of Calgary and University of Lethbridge. This budget neglects this project, which would allow those institutions to become a centre of excellence and provide leadership and sustainable economies for the environment, and in energy and water usage, all within the context of sustainable long-term economic development. They could lead the country, and, in turn, we could lead the world in many respects. That is an initiative that should have been captured in this budget but, of course, was missed. Research and development has been reduced in this budget.

There is this stark contrast, senators, between assisting those who already have incomes and whose kids can afford to go to ski racing programs, take figure skating or ride horses. Those kinds of expensive programs that wealthy people can afford will be supported, but while supporting that kind of program, this budget absolutely neglects, and, in some senses, punishes the less fortunate. The following programs have been cut: \$3.5 billion from workplace skills development programs; \$17.7 million from literacy; and, \$5 million from the status of women advocacy programs. There has been the cancellation — not the reintroduction — of the low-income home retrofit program. There has been the cancellation of the Court Challenges Program, which affects many issues affecting many less fortunate, disadvantaged people. Both the early childhood education program and the Kelowna accord have been cancelled.

The theme emerging in this budget is that wealthy people earning money and people who have security are rewarded by tax cuts, which, while they may not amount to all that much, certainly do not help the poor.

There is a litany of programs and initiatives that were in place or were about to be put in place that assisted the disadvantaged and the poor. How can it be that a government would reward the rich and punish the poor? It appears to me that is what is happening. It is a puzzle.

I spent 12 years in the legislature of Alberta watching Conservative budgets, and I saw the same kind of interesting, unfortunate irony that somehow the Conservative government can reward the rich and punish the poor and then be concerned about things like crime and blame people for a variety of social ills that occur in our society.

My point is that if we wanted to get serious on crime, we should get serious on poverty, early childhood education and the Kelowna accord — that would be getting serious on crime. None of that is evident in this budget.

• (1500)

This budget raises the question: What is at its root? What has it tried to do and why? I think there is a philosophical question that, yes, somewhere deep within that, there is an explanation: You reward the rich and punish the poor. There is also a focus on a certain kind of cynical politics, a politics that says we can spin messages, we can reach specific groups. They do not feel that they need a broad base to form a government. They can spin messages to specific groups and try to buy those votes. It is a deeply cynical kind of politics that I think ultimately explains this kind of budget.

While one would think that with the new government there would be a chance for hope, for breakthroughs, for new answers to old questions, new solutions to difficult problems, the first real Conservative fiscal budgetary initiative, Bill C-28, simply misses the mark. It is back to what I have seen in 12 years of budgets in the legislature in Alberta, a Conservative legislature at that time. It is back to what we see over and over again with the Conservative approach to government. Government can contribute to, lead upon, capture and fulfill great objectives on behalf of and with Canadians and none of them are in this budget: leadership in the environment, enhanced productivity, leadership in the world, and assisting people who are less fortunate to be in a position to take advantage of the opportunities that most of us in this country simply take for granted.

Honourable senators, I believe that this budget is a fundamental disappointment. It does not further the quality of life, particularly of Canadians. It does not capture the greatness, the leadership that a government at this critical time in Canada's history, could capture and provide. For that, I am immensely disappointed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Di Nino, bill referred to the Standing Senate Committee on National Finance.

[Translation]

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.
—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to comment on this bill at second reading. Given that there have been changes in the government, I would like to consult my colleagues as well as the new ministers involved. I move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE THE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2005 RESOLUTION ON ANTI-SEMITISM AND THE INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Stollery,

That the following Resolution on Combating Anti-Semitism which was adopted unanimously at the 14th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Washington on July 5, 2005, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than October 30, 2006:

RESOLUTION ON COMBATING ANTI-SEMITISM

Recalling the resolutions on anti-Semitism by the OSCE Parliamentary Assembly, which were unanimously passed at the annual meetings in Berlin in 2002, in Rotterdam in 2003 and in Edinburgh in 2004,

1. Referring to the commitments made by the participating states emerging from the OSCE conferences in Vienna (June 2003), Berlin (April 2004) and Brussels (September 2004) regarding legal, political and educational efforts to fight anti-Semitism, ensuring that "Jews in the OSCE region can live their lives free of discrimination, harassment and violence",
2. Welcoming the convening of the Conference on Anti-Semitism and on Other Forms of Intolerance in Cordoba, Spain in June 2005,
3. Commending the appointment and continuing role of the three Personal Representatives of the Chairman-in-Office of the OSCE on Combating Anti-Semitism, on Combating Intolerance and Discrimination against Muslims, and on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, reflecting the distinct role of each in addressing these separate issues in the OSCE region,

4. Reaffirming the view expressed in earlier resolutions that anti-Semitism constitutes a threat to fundamental human rights and to democratic values and hence to the security in the OSCE region,
5. Emphasizing the importance of permanent monitoring mechanisms of incidents of anti-Semitism at a national level, as well as the need for public condemnations, energetic police work and vigorous prosecutions,

The Parliamentary Assembly of the OSCE:

6. Urges OSCE participating states to adopt national uniform definitions for monitoring and collecting information about anti-Semitism and hate crimes along the lines of the January 2005 EUMC Working Definition of Anti-Semitism and to familiarize officials, civil servants and others working in the public sphere with these definitions so that incidents can be quickly identified and recorded;
7. Recommends that OSCE participating states establish national data collection and monitoring mechanisms and improve information-sharing among national government authorities, local officials, and civil society representatives, as well as exchange data and best practices with other OSCE participating states;
8. Urges OSCE participating states to publicize data on anti-Semitic incidents in a timely manner as well as report the information to the OSCE Office for Democratic Institutions and Human Rights (ODIHR);
9. Recommends that ODIHR publicize its data on anti-Semitic crimes and hate crimes on a regular basis, highlight best practices, as well as initiate programs with a particular focus in the areas of police, law enforcement, and education;
10. Calls upon national governments to allot adequate resources to the monitoring of anti-Semitism, including the appointment of national ombudspersons or special representatives;
11. Emphasizes the need to broaden the involvement of civil society representatives in the collection, analysis and publication of data on anti-Semitism and related violence;
12. Calls on the national delegations of the OSCE Parliamentary Assembly to ensure that regular debates on the subject of anti-Semitism are

conducted in their parliaments and furthermore to support public awareness campaigns on the threat to democracy posed by acts of anti-Semitic hatred, detailing best practices to combat this threat;

13. Calls on the national delegations of the OSCE Parliamentary Assembly to submit written reports at the 2006 Annual Session on the activities of their parliaments with regard to combating anti-Semitism;
14. Calls on the OSCE participating states to develop educational material and teacher training methods to counter contemporary forms of anti-Semitism, as well as update programs on Holocaust education;
15. Urges both the national parliaments and governments of OSCE participating states to review their national laws;
16. Urges the OSCE participating states to improve security at Jewish sites and other locations that are potential targets of anti-Semitic attacks in coordination with the representatives of these communities.—(Honourable Senator Segal)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I know that Senator Segal intends to speak to this motion. That is why I move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

CONTRIBUTION OF THE HONOURABLE HOWARD CHARLES GREEN TO CANADIAN PUBLIC LIFE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Murray, P.C., calling the attention of the Senate to issues concerning the faithful and exemplary service to Canada, during his entire adult lifetime, of the late Honourable Howard Charles Green of British Columbia.—(Honourable Senator Campbell)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, since a number of senators wish to speak to this important inquiry, I move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Thursday, February 1, 2007, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, February 1, 2007

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, February 1, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

Elizabeth

[Translation]

Elizabeth

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 1, 2007

Sir,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 1st day of February, 2007, at 11:36 a.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to Thursday, February 1, 2007:

An Act respecting international bridges and tunnels and making a consequential amendment to another Act (Bill C-3, *Chapter 1*, 2007).

• (1335)

[English]

SENATORS' STATEMENTS

THE LATE HONOURABLE EILEEN ROSSITER

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I rise today to pay tribute to one of our former colleagues and a truly wonderful woman, the Honourable Senator Eileen Rossiter, Prince Edward Island's first female senator who passed away on January 20. For 18 years, Senator Rossiter made a significant contribution to the Senate of Canada as a representative of her beloved Prince Edward Island. She was a well-respected member of the Conservative caucus, and when she retired she was sorely missed by us. That sentiment has now increased 100 fold.

Eileen Rossiter was not a woman who sought special attention or accolades. Indeed, she shunned such treatment. She was a woman of great accomplishment whose modest, down-to-earth character allowed her achievements to speak for themselves. Before coming to this chamber, Eileen Rossiter was a businesswoman in Prince Edward Island. Both she and her late husband were dedicated members of the Progressive Conservative Party of Prince Edward Island and she served as a senior member in the Prince Edward Island Progressive Conservative organization for many, many years.

In November 1986, Eileen Rossiter was appointed to this chamber by former Prime Minister Brian Mulroney. During her 18 years in the Senate of Canada, she worked with quiet determination on many important issues, earning the respect of all who were fortunate enough to know and work with her. Although she served on numerous Senate committees over the years, I think Senator Rossiter will be perhaps best remembered as the Chair of the Standing Senate Committee on Fisheries and Oceans, Deputy Chair of the Standing Senate Committee on Human Rights, and a member of the Special Senate Committee on Illegal Drugs, a subject on which she held strong and passionate views.

Honourable senators, Senator Eileen Rossiter's dedication to public service will continue to serve as great inspiration for many years to come, especially for the women of Prince Edward Island who will follow in her footsteps. On behalf of all Conservative senators, I should like to extend sincere condolences to her children, her grandchildren, her family and many, many friends.

Hon. Elizabeth Hubley: Honourable senators, I want to thank the Leader of the Government for her eloquent words in tribute to our late colleague Senator Rossiter. It is a great honour for me, on behalf of the opposition, to also rise in tribute to her memory. There has been a great deal of discussion lately about the Senate of Canada becoming more representative of the various communities and groups of peoples that comprise our country, and I believe that already we have made progress in this direction.

The Senate of Canada is no longer the sole domain of former elected politicians or leading members of the legal and business professions. We have artists here among us, teachers, community leaders and professional athletes. The Senate is becoming more of a kaleidoscope of Canada itself, and in my opinion that is a very good thing.

Honourable senators, in some respects, Eileen Rossiter was an ordinary Prince Edward Islander, but she also was a remarkable woman who possessed an extraordinary knowledge and understanding of her province, its people, and a great love for her country. She was Prince Edward Island's first female senator.

• (1340)

She was not only down-to-earth, she was earthy; and family and community came alive in her wonderful stories, stories about local characters and happenings, humorous stories told with delightful accuracy and a twinkle in her eye.

Eileen prided herself in knowing who was related to whom, and where someone came from. It was a curiosity born of a genuine and abiding love for her small province where, as you know, everyone knows just about everyone else.

Eileen was a successful businesswoman in her own right, having operated a real estate business together with her late husband, Pete. She was the secretary of the Progressive Conservative Party of Prince Edward Island for many years.

Now, honourable senators, I would never wish good administration and political success on the Conservative Party, but I know that Eileen did more than her part in holding the Island PC Party together through difficult times with her exemplary organizational and administrative skills, and, of course, her wonderful personality.

She made her mark here in the Senate in a quiet and unassuming way, but nevertheless she took her responsibilities seriously. For example, as co-chair of a committee examining the maternity rights of Aboriginal women on reserves, she brought special insight into that issue, having lived just down the road from the Scotchfort Mi'kmaq Reserve on Prince Edward Island.

On a personal note, honourable senators, all of us who knew Eileen were lifted up by her sharp wit and sense of humour, and by the beautiful spirit she embodied. I came to know her relatively late in our respective life journeys, but I considered her not only a parliamentary colleague but also a friend.

One Sunday, while attending mass at the Holy Redeemer Roman Catholic Church in Charlottetown, a priest whom she had never met but who was suitably impressed by the presence of a senator in his midst asked Eileen how she would prefer to be addressed. As one might expect, she replied, "Eileen will do just fine."

Honourable senators, Eileen Rossiter was a wonderful mother, a devoted wife and a remarkable Islander. To her children, Philip, Leonard, Kevin, Patricia, Colleen and Mary, and the rest of the Rossiter family, I know you will join with me in expressing our deepest sympathy.

Hon. Lowell Murray: It would be hard to equal the quite moving tributes we have heard from the honourable Leader of the Government and Secretary of State for Seniors, and the authentic and authoritative words of Senator Rossiter's fellow Islander, Senator Hubley.

I should note that Senator Rossiter arrived here on November 25, 1986, notable as one of three new women senators who had been appointed earlier that month by Prime Minister Mulroney. She left us quietly in July of 2004, refusing public comment on the ill health that had plagued her for more than a year and firmly requesting that the usual tributes paid to a retiring senator in this chamber be dispensed with.

We of course honoured her wishes. However, it needs to be said that the manner of her coming and of her going belies the diligence and determination with which she went to work here in 1986, and stayed at work until what we now know was a grave illness overtook her near the end of her 18 years in this place.

She served on a half dozen of our standing committees — and on several special committees. When I say she served, I mean she immersed herself in the work of a committee and its procedures, familiarized herself with the subject matter and participated in, and stayed on top of, the committee's activity and progress. The Leader of the Government and Secretary of State for Seniors has mentioned Senator Rossiter's service as Deputy Chair of the Human Rights Committee, and as Chairman of the Fisheries and Oceans Committee, over which she presided during three Parliaments, during which time it produced two important reports — that on the Atlantic commercial inshore fishery in June 1993 and on the Atlantic ground fishery in December 1995.

• (1345)

Senator Hubley noted Senator Rossiter's interest in genealogy in Prince Edward Island and who was related to whom. It is worth noting that her grandfather, the Honourable James Joseph Hughes, had preceded her to Parliament, having been elected MP in four of the six Parliaments elected between 1900 and 1921. At the end of Mr. Hughes' last mandate in 1925, then Prime Minister Mackenzie King appointed him to the Senate, where he served until his death in 1941. Needless to say, he was a Liberal.

His granddaughter, Senator Rossiter, was a person of great common sense and of remarkable persistence, especially when it came to matters affecting the Island. I, who was the fortunate leader to have enjoyed her friendship and solidarity, admired her. Together with others who knew her, I express my warm appreciation of her service here and my sadness on her death.

Hon. Catherine S. Callbeck: Honourable senators, today I rise to pay tribute to one of our former colleagues, the Honourable Eileen Rossiter, who died recently in Prince Edward Island. Senator Rossiter was a valued friend and colleague and had a long and distinguished career in the public service of her province and country. She was appointed to the Senate in 1986, and for close to two decades, contributed to the work of this chamber.

The late Senator Rossiter was actively involved in politics throughout her whole life. As Senator Murray said, her father was a long-term Liberal member of the Prince Edward Island legislature. Her grandfather was a former Liberal member of Parliament, who was called to the Senate in 1925. Senator Rossiter carried on that legacy of public service through her own participation in the political life of her province. In fact, she will be remembered as one of the first women in Prince Edward Island who became actively involved in public life. Her many achievements are an inspiration to others who aspire to serve their fellow citizens.

She will also be remembered for her personal commitment to the people she represented so well. She worked hard on their behalf, and her efforts earned her their strong support, confidence and friendship. She was widely respected and admired by all her fellow citizens. Although she had been in failing health since her retirement, she retained a keen interest in the affairs of her province and country. Family and community were of utmost importance to her.

Senator Rossiter took great pride in her family and their accomplishments. Her loss will be deeply felt by all those who knew and loved her. I extend my sincere condolences to her family

and many friends. Although they mourn her loss, they can find comfort in the celebration of a life that was filled with such distinction in service to family and country.

PORT OF CHURCHILL

Hon. Janis G. Johnson: Honourable senators, I draw your attention to recent developments at the seaport of Churchill. Canadians tend to forget that Manitoba is a maritime province. The small town of Churchill, on Hudson Bay, is Canada's only northern seaport. With a population of 1,000, Churchill has two main sources of income: the tourism industry and the shipping industry. Every year 15,000 tourists come to see the wildlife and the seaport. Last year, the Canadian Wheat Board shipped over 380,000 tonnes of wheat by rail to the Port of Churchill, where it was loaded onto deepwater vessels and shipped to Mexico and other countries in Europe and Africa. It is less expensive to ship grains through Churchill than through Thunder Bay, and because Churchill is a deepwater port, grain can be loaded directly onto ocean-going ships. In many ways Churchill is a promising seaport.

However, it has always suffered from one drawback — the relatively short five-month shipping season. This season is changing as global warming takes effect. Over the last 10 years, the Churchill shipping season has grown by 20 days. At the current rate of Arctic warming, this northern shipping route will be open year-round in another 40 years. Amidst all the grim predictions about global warming and its impact on the North, a window of opportunity may be opening for Churchill.

Recently, the Russian Minister of Transport, Igor Levitin, came to Canada and offered the use of Russian icebreakers to keep shipping channels between Canada and Russia open year round. This proposal was dramatic and our Minister of Transport, Lawrence Cannon, responded positively. He said that the year-round opening of the Port of Churchill is a promising idea, and the Government of Manitoba expressed similar interest.

The most obvious link to Churchill is the Russian seaport of Murmansk, on the Barents Sea, near Finland. Murmansk is ice-free year round and is connected by rail to a market of 150 million people. The Churchill-Murmansk run is four days shorter than the shipping route through the St. Lawrence Seaway. If this initiative moves forward, the federal government will be responsible for many aspects of the new shipping route.

• (1350)

The Coast Guard will need vessels to patrol the route regularly. Infrastructure at the seaport will need improvement so that container ships, cruise boats and military vessels can do business there. The railway roadbed will need to be upgraded so that containers can be moved efficiently to and from Winnipeg.

Cost projections have not been worked out yet, but a year-round seaport at Churchill would be a tremendous boost to the Manitoba economy. It would make sense for the interested parties and the various levels of government to launch a study into the costs and benefits of this northern shipping route.

At the end of March, Russian and Canadian officials and business representatives will meet here in Ottawa to discuss this proposal, and I will keep honourable senators updated as developments occur.

[Translation]

CONTRIBUTIONS OF DR. GILLES JULIEN TO SOCIAL PAEDIATRICS

The Hon. Lucie Pépin: Honourable senators, I rise today to draw your attention to the exceptional work of Gilles Julien, a paediatrician and champion of children's rights. Dr. Julien is devoted to helping children from disadvantaged families grow up in a loving atmosphere.

In Quebec, Dr. Julien is considered the father of social paediatrics, which offers innovative solutions in the care of neglected and abused children.

Dr. Julien believes that by looking at family ties, at interactions between parents, children and their community, one can better interpret a child's experience and understand why that child has developed a mental or physical illness. Anything that might help children is taken into consideration.

For example, when treating developmentally delayed children from poor families, Dr. Julien has everyone involved work together to provide the children with appropriate care and social services. He invests the same energy in the parents, teaching them how to look after themselves and their children. Parents have access to a work-study program to help them re-enter the labour force, when needed.

With its preventive approach, social paediatrics ensures that every child has a loving, stimulating environment and opportunities to grow and develop.

Dr. Julien works as a social paediatrician in the community agencies he founded in Montreal, which provide families with direct services ranging from homework help to psychotherapy. Activities and summer camps are organized for young people 12 and under who are in difficulty. One of Dr. Julien's best-known public events is the drive he holds every year to fund these activities.

Dr. Julien is actively campaigning for a shift to social paediatrics. He hopes that this approach he uses will spread around the world. This is a step in the right direction. Recently, social paediatrics made its official entry into Quebec's health care network. In its search for ways to prevent child neglect in Montreal, the Government of Quebec turned to Dr. Julien.

The academic community, which long shunned social paediatrics, is now taking an interest in it. The departments of medicine of the Université de Montréal and McGill University have added it to the curriculum.

Such recognition honours the perseverance and generosity of Dr. Julien, who understood early on that the way of the future is to have everyone involved work together to help children living in poverty develop properly. Because of his vision and his contribution to solving a serious social problem, he was chosen as Quebec's first Ashoka Fellow by that prestigious international association.

• (1355)

[English]

[Translation]

ROUTINE PROCEEDINGS

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

FIRST READING

Hon. Gerard A. Phalen presented Bill S-222, to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Phalen, bill placed on the Orders of the Day for second reading two days hence.

THE SENATE

NOTICE OF MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA

Hon. Consiglio Di Nino: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate urge the government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.

BARRIERS TO FREE TRADE WITHIN CANADA

NOTICE OF INQUIRY

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that two days hence I will draw the attention of the Senate to the barriers of free trade within Canada.

FOUNDATIONS OF FOREIGN POLICY

NOTICE OF INQUIRY

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that two days hence I will draw the attention of the Senate to the foundations of Canada's foreign policy.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF C-17 AIRCRAFT FROM BOEING COMPANY—TENDERING PROCESS— ECONOMIC SPINOFFS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Minister of Public Works and Government Services, who is being very ecological today with his green tie.

Mr. Minister, could you confirm that the current negotiations with Boeing for awarding a non-tendered contract of \$3.4 billion will respect the rules of the Canadian Liberal policy by which Canada will enjoy 100 per cent of the economic spinoffs, or an amount equal to the \$3.4 billion for the contract?

Hon. Michael Fortier (Minister of Public Works and Government Services): Madam Leader of the Opposition, before answering your question, I would like to take this opportunity to congratulate you on your appointment. I am doubly pleased because I quite like you as a politician and, what is more, we will see you more often here in this chamber. I am very pleased with your appointment.

As far as the C-17 contracts are concerned, I want to correct the question of the Leader of the Opposition. It is not accurate — she keeps repeating it and it is time for her to stop — to say that this contract has been granted or will be granted without a call for tenders. The contract award notice is a step in the tendering process and took place last summer. It was very transparent. Furthermore, when I issued the contract award notice, I made the deadline twice as long to allow other manufacturers to come forward and let us know whether they had the necessary equipment to supply the Canadian troops.

To correct the question: there was a call for tenders and it was done according to the book.

As far as economic spin-offs in Canada are concerned, we said this summer when we announced the contracts to equip our armed forces that we would insist that every dollar given to a non-Canadian manufacturer would have to be reinvested in Canada in such a way as to give our aerospace and defence companies in Canada new life and the much needed capital in order to be recognized on the world stage and to create wealth throughout Canada.

• (1400)

Senator Hervieux-Payette: Honourable senators, like everyone here, I received a report on my attendance in the Senate, which is very similar to that of all my colleagues. Anytime I was absent, it was often to participate in international organizations such as the Inter-Parliamentary Forum of the Americas, where I served as Chair for five years. I would like to state this for the record.

As for the tendering process, the minister must explain this to me. This is an invitation to tender for a large cargo aircraft that would carry artillery, vehicles and other equipment.

When I was Vice-President of SNC-Lavalin, if there was only one product that corresponded to the specifications, the client decided how to set those specifications. When a company wants to exclude other suppliers, they simply have to customize the specifications to the client's needs. The very aim of an invitation to tender is to find a product that satisfies a client need, not a product that satisfies the supplier.

As for doing things by the book, something with which I am very familiar, having done so for five years, I would ask the minister if this policy of 100 cents for every dollar will be respected equally across the country.

Senator Fortier: The Leader of the Opposition said that she worked for a private company, a company that I know very well, incidentally. I do not know whether the insinuation was that, when the company goes out to tender, it arranges the tender so that it is able to choose the supplier. I hope that is not what she was saying. That is not how things are done here. It is entirely reasonable, and, I think, preferable, that when the government seeks to procure goods—whether for the Canadian Forces or any other department—the people who need the equipment should indicate the terms and conditions, and identify the characteristics of the equipment they need. The government can then indicate to the industry the type of equipment it is looking for. This seems to be a rather sensible approach—and I know that you have a great deal of common sense.

As for the economic spinoffs for Canada, this policy will apply for every dollar given to foreign manufacturers. We also want this money to be re-invested in Canada in the aerospace and defence sectors, across Canada, to ensure that our companies become even more dynamic than they already are.

Senator Hervieux-Payette: To return to the question of private corporations in general, private corporations give customers what they want. I am not misleading anyone when I say that it is a well-known process. I am not saying that the company was doing it, but we know that it does happen in the marketplace when looking for a specific product. The same thing happened with the helicopters. I was approached by various companies, as were all senators, indeed everyone. We were practically promised helicopters with three engines. They had us picking out seat colours when we were supposed to be meeting a need of the Canadian armed forces, with which our party is in complete agreement.

I would also like to see the minister get the right answer to this: when a large cargo transporter is required, a model is ordered that could be supplied just as readily by Russia or by Europe. Various countries manufacture them and the minister did not go to the trouble of telling his officials to look at other products that would better serve the interests of Canadians and the Canadian military.

Senator Fortier: I take issue with what the leader of the opposition has just said. She said something important. I want to be sure that I understood correctly. She said that when she was in government, she met with various companies. I do not know if she was ever the Minister of Public Works. As Minister of Public Works, I have refused to meet with manufacturers and lobbyists. It is my job and I would never agree to meet with them. Perhaps that is what the Liberals did. We will not do that. A system is in place. Clients from all over the hill tell us what they need. These needs are forwarded to Public Works and Government Services which is responsible for procurement.

• (1405)

Is that what you want? Do you want the Minister of Public Works and Government Services Canada to meet with all the lobbyists and manufacturers who want federal government contracts? I would like to hear what you have to say about that.

Senator Prud'homme: In the end, the public servants hand out the patronage.

Senator Hervieux-Payette: Not only that, but I think that, like us, the minister participates in caucus, where there certainly must be members who try to influence him. I do not think he is the only one making the decision, because he is just one member of cabinet.

Just to be clear, the last time I was a minister, from 1983 to 1984, there were no tenders for any materiel at all. Here, and I am referring to the years I spent as a Senator, your colleagues and senators here received the same visitors. People come to see us, and we have things to learn from them, but we do not have to make those kinds of decisions and I have never been involved in a decision about that sector, nor have my colleagues in the Senate. We are not part of the government and I think it is important to put that on the record.

Hon. Francis Fox: Honourable senators, I must say that on this side of the Senate, we are very pleased to see that the Minister of Public Works and Government Services is in such fine form today and that for once, his leader in the Senate is allowing him to answer questions.

Hon. Senators: Hear, hear!

Senator Fox: My question and my comments are completely non-partisan. Nevertheless, the minister will surely agree that when such a big contract—\$3.4 billion—is being awarded in the defence sector, it is surprising to see only one company respond to the request for proposals. It is surprising that there was only one respondent to such a large contract.

I would like to get back to the matter of economic spinoffs. I am asking because there is a lot of confusion in the country about this contract. I read the *Journal de Montreal* yesterday, which talked about finding out exactly what is going to happen with the spinoffs and said that the minister, Maxime Bernier, seemed to have changed his tune. This morning, I read in *La Presse* that, according to Mr. Duceppe, Mr. Harper is choosing the West.

I would like the minister to repeat what he just said and what he said in response to a question I asked him on October 25. Surely he remembers what he said. This is a \$3.4 billion contract. We are talking about 100 per cent benefits coming to the sector—that is what he said in his answer last October, and I think he said the same thing this afternoon—Canada's aerospace and defence sectors. That is \$3.4 billion for the contract and \$3.4 billion in economic benefits that will be announced when the contract is signed.

Senator Fortier: Thank you for your question. First, it is incorrect to say that only one manufacturer came forward. After the contract award notice was issued, two other manufacturers indicated that they felt their equipment met Public Works and

Government Services Canada's standards. Discussions between Public Works and Government Services Canada and these manufacturers concluded that, unfortunately, their equipment did not meet the standards. As a result, negotiations began with Boeing, as was announced in the summer.

I do not want to talk dollars and cents, honourable senators, because the terms of the contract will be announced when a contract is announced. Therefore, I will not talk about \$3.4 billion; I prefer to talk in more generic terms. I repeat, not only for this contract but for all the contracts in the series that was announced last summer, for every dollar that goes to a foreign manufacturer, we will require that the manufacturer reinvest a dollar in Canada's aerospace and defence sectors.

• (1410)

Senator Fox: Mr. Minister, can you assure us that the spin-offs will be fairly divided to reflect the aerospace activity in Canada and not necessarily the way Boeing has acted in the past? Studies by a major university in Montreal show that 70 per cent of Boeing's spending is usually done outside Quebec.

Senator Fortier: Honourable senators, when we reach an agreement with this manufacturer and are prepared to reveal the procurement provisions, we will do so. It is important to remember that the responsibility of the Minister of Public Works and Government Services is to buy equipment at the best possible price. In sum, those are my duties.

As far as the industrial spinoffs are concerned, as you know, it is the Minister of Industry who is responsible for this provision. The government's philosophy has not changed. We will insist that these spinoffs are concentrated only in the sectors mentioned and that they allow the industry to continue to flourish and create wealth throughout Canada.

Hon. Marcel Prud'homme: Honourable senators, I have another question.

I am concerned that the Minister of Public Works and Government Services has just said that his duties consist in buying the best equipment possible at the best possible price.

[English]

As a Canadian, I am very troubled by conditions that our friends from the United States of America sometimes attach to the delivery of subcontracts.

[Translation]

Recently, Canadians, Canadian citizens, were passed over for certain military procurements. This is unacceptable.

If unacceptable conditions are imposed, then we need to look elsewhere.

[English]

In March 1979, we had a bill better known as the Arab boycott law. We objected to that bill because it was unacceptable. Had Mr. Trudeau not called the election on Monday March 26, 1979, we would have had to face the consequences of that terrible bill. It was unacceptable that certain people could say "We will buy

under the condition that you have no Canadian of Jewish faith on your staff." That was unacceptable. Or, "We will buy under the condition that you do not use ships owned by a certain company that trades with Israel." That was unacceptable.

I am on the record concerning that bill, which may surprise some senators; I see one smiling at me now. I was surprised at those statements then, and now I see a repetition of these events.

I am glad we have a good Minister of Public Works and Government Services. You're his responsibility is to buy the best equipment at the best price, but there is also something attached to that responsibility, to protect Canadian citizens, citizens who have been loyal to Canada, as loyal to Canada as I think I am. I have pledged allegiance to the Queen 20 times in my life, and I think that is enough, and that I am a loyal Canadian.

• (1415)

These Canadian citizens were removed from a military contract because of the dictation of some people in Washington.

I do not need an answer today, but should we not start thinking about the fact that our collective duty — and certainly our duty as senators — is to protect Canadian citizens from sea to sea to sea?

Senator Fortier: As the honourable senator knows, the Prime Minister and the Minister of Foreign Affairs have talked about this matter; which is known as the ITAR situation, which stands for the International Traffic in Arms Regulations. They have had conversations with our counterparts in the U.S., and I think we are all troubled by this situation.

I want to reassure the honourable senator, however, that with respect to the purchase of the planes we have been talking about for the past 20 minutes, nothing in that contract will prevent any Canadian of any religion or nationality from working on those planes, flying them or being part of our Canadian Forces program related to that aircraft.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PLEBISCITE ON MARKETING OF BARLEY

Hon. Lorna Milne: Honourable senators, my question is to the Leader of the Government in the Senate. On January 22, the Minister of Agriculture and Agri-Food announced the question that will be asked on the plebiscite on the marketing of barley in Western Canada. The question on the ballot allows voters the choice to retain the single desk for the marketing of barley, remove the Canadian Wheat Board from the marketing of barley entirely or allow producers to market their barley to the Canadian Wheat Board or other buyers.

The option openly preferred by this government — allowing producers to market their barley to the Canadian Wheat Board or other buyers — happens to be written in the first person singular, while the other plebiscite options are not. Critics of the plebiscite question as written have used colourful descriptive terms such as "bizarre," "incompetent" and "diabolical" when describing the choice of wording approved by Minister Strahl.

We also know that skewed wording always produces skewed results. Can the Leader of the Government in the Senate honestly stand there and tell us that this is the best the public opinion research group in the Department of Agriculture and Agri-food could do in designing a fair and honest question for our barley producers, or is this the best they could do given the political pressure applied by Minister Strahl to push the government's agenda on to the barley producers?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Minister Strahl announced today that he has asked officials and the accounting firm that will be mailing out these ballots to barley producers, KPMG, to clarify and simplify the language on the declaration. As a result, he has announced a week's delay in the vote, although respondents will still have the same length of time to vote.

Senator Milne: I thank the leader for that answer because Minister Strahl is doing the right thing. Can I also ask her to perhaps table in this house the amount that the taxpayers of Canada will have to pay for this originally, and now discarded, biased questionnaire?

Senator LeBreton: I thank the honourable senator for the question and I will take it as notice.

ATTORNEY GENERAL

RESIDENTIAL SCHOOL SETTLEMENT— APPEAL TO SASKATCHEWAN COURT OF APPEAL— POSSIBILITY OF APOLOGY TO STUDENTS

Hon. Nick G. Sibbeston: Honourable senators, my question is to the Leader of the Government in the Senate concerning the residential school issue about which I made a statement yesterday. Much progress has been made on this issue, and I commend the government and Minister Prentice in particular, who seems to be very committed to having the residential school issue resolved.

Recently, the Attorney General of Canada launched an appeal in the Saskatchewan Court of Appeal regarding not the substance of the agreement, but more of an administrative matter dealing with fees. Many Aboriginal people in the country are concerned that this appeal may delay the final approval and, hence, payment to former residential school students.

• (1420)

I know that the Assembly of First Nations has asked Canada and the Saskatchewan court to try to deal with this agreement without the delay that the appeal may cause. Can the Leader of the Government confer with her cabinet colleagues responsible for this issue with a view to having the agreement receive final accord approval without delay so that the 80,000 former students can be compensated?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. It is an issue he has advanced through his work here in the Senate and elsewhere and he deserves a great deal of credit for his efforts.

Our government remains committed to resolving the tragic legacy of the situation in the Indian residential schools. We do not anticipate that the appeal will result in a delay in implementing the settlement agreement. However, as the honourable senator knows, the issue of legal fees of the Merchant Law Group is currently before the court in Saskatchewan and therefore it would be inappropriate, indeed impossible, for me to make any further comment on that case.

Senator Sibbeston: I have a supplementary question dealing with the issue of an apology from the Government of Canada.

The issue of compensation is well underway. Is the federal government considering an apology? We saw recently in the Arar case that the government paid compensation and delivered a letter of apology from the Prime Minister. Would the federal government consider providing an apology to all students for the grievous time they spent in residential schools earlier in their lives?

Senator LeBreton: When we came into government the whole issue of the residential schools was in play. My understanding is that when the decision was made and the settlement was negotiated, they were done with all parties agreeing on the payment of certain funds for the situation that they found themselves in. I do not believe that the question of an apology was part of that final agreement.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— EFFECT OF GOVERNMENT MEASURES

Hon. Robert W. Peterson: My question is to the Leader of the Government in the Senate. In respect to the Canadian Wheat Board, her government gives all the appearances of doing indirectly what it cannot do directly, and that is to further render the Canadian Wheat Board incapable of being a viable operation, or preferably, to eliminate it.

For example, foreign customers are questioning what is happening and whether they should seek other markets. Standard & Poor's has downgraded the credit rating and indicated that with the uncertainty surrounding this file there will be further downgrades. Who pays for all of these effects? The Canadian farmers pay. Would the leader confirm in this chamber today that the government will respect the wishes of the majority of producers, confirm the Wheat Board as a single desk seller and remove the uncertainty that could eventually destroy the Canadian Wheat Board?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. As a government, we were disappointed to see Standard and Poor's downgrade the Canadian Wheat Board's credit rating.

• (1425)

We are not in any way advocating the end of the Canadian Wheat Board. We are simply carrying forward on a commitment we made to Western wheat producers. We believe in marketing choice for their products. We intend to consult with wheat producers and they will have a chance to have their say. We should not presuppose what producers want one way or the other.

We are not advocating the end of the Canadian Wheat Board. We are simply supporting marketing choice for producers of wheat and barley.

[Translation]

FUTURE OF SUPPLY MANAGEMENT SYSTEM

Hon. Michel Biron: Honourable senators, the Minister of Agriculture has said repeatedly that the Conservative government had no plans to eliminate the supply management system in the agricultural sector, as it had for the Canadian Wheat Board.

However, on December 21, 2006, the Minister of International Trade confirmed that the Conservative government intended to eliminate the supply management system in the context of its negotiations with the World Trade Organization. So, will the Minister of Agriculture admit that his new government also plans to eliminate supply management in the agricultural sector, as it did for the Canadian Wheat Board?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I will make no such commitment on behalf of the Minister of Agriculture. The Minister of Agriculture and the government support and will continue to support Canada's supply management system.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting two delayed answers to questions raised by Senator Jaffer, on December 12, 2006, on Somalia and by Senator Austin, on December 13, 2006, on national defence — procurement of airlift aircraft.

FOREIGN AFFAIRS

SOMALIA—INTERNAL STRIFE

(Response to question raised by Hon. Mobina Jaffer on December 12, 2006)

The Government of Canada is deeply concerned about the political and security situation in Somalia. On December 15, the Minister of Foreign Affairs and International Trade issued a statement urging both the Transitional Federal Government (TFG) and the Union of Islamic Courts (UIC) to resume peace talks as soon as possible and without preconditions. He also stated that it was essential for the parties to settle their differences through negotiated rather than military means, and to commit themselves to agreements reached at previous peace talks in Khartoum. This is the best way of achieving lasting peace and security.

Canada continues to support international mediation efforts, including those by the United Nations, the African Union, the Arab League, and the Inter-governmental

Authority on Development. We continue to encourage all countries in the region to support efforts to bring peace and stability to Somalia. Canada also urges all parties in Somalia to protect civilians and ensure full, safe and unhindered access by humanitarian workers to people in need, including persons displaced due to insecurity or flooding.

In 2006, Canada disbursed \$9.75 million in humanitarian assistance to Somalia and regional initiatives in response to the increased insecurity, the severe drought, and devastating floods. In addition, Canada has contributed over \$1.3 million since 2003 to support peace-building efforts in Somalia, such as mine action, child soldier rehabilitation programs, small arms control and other initiatives to support peace and governance.

The Government of Canada is concerned about Somalia being used as a base for international terrorism. Canada cooperates with the UN and other international partners to prevent such terrorism. We also support a project on counterterrorism through the regional Intergovernmental Authority on Development (IGAD). However, the best way to prevent Somalia from being used as a base for terrorism is to restore political stability and security.

NATIONAL DEFENCE

PROCUREMENT OF AIRLIFT AIRCRAFT

(Response to question raised by Hon. Jack Austin on December 13, 2006)

The Government announced last June that it was moving ahead with the procurement of new equipment and capabilities for the Canadian Forces. This included the acquisition of 17 new tactical lift aircraft for our military. These new aircraft will make for more effective deployments within Canada and significantly contribute to the Government's "Canada First" defence strategy.

It's no secret that the Canadian Forces' aging fleet of Hercules is nearing the end of its operational life and that these aircraft must be replaced quickly. In addition, the Canadian Forces require an aircraft that would be able to perform as well as, or better than, its current Hercules fleet.

The procurement process for the acquisition of tactical airlift is being done in a fair, open and transparent manner. It was initiated through a Solicitation of Interest and Qualification, which asked potential suppliers to indicate their interest and demonstrate their ability to meet the mandatory requirements issued by the Canadian Forces. The response provided by Lockheed Martin was the only one that met these requirements, which included critical timelines for delivery.

As announced in June, the estimated total project cost for the acquisition of the aircraft is \$3.2 billion, including spare parts, infrastructure and salaries. An additional \$1.7 billion has been estimated for 20 years of in-service support. The actual cost of the contract will be negotiated with Lockheed Martin after their response to the Request for Proposal is provided to the Government.

The Canadian Forces are aware that early customers of the C-130J had some challenges with the introduction of the new aircraft. These challenges have been addressed by Lockheed Martin.

With respect to certification, the C-130J has received military certification of airworthiness in the United States and meets the certification standards required by the Canadian military as outlined in the tactical airlift project.

The United States Marine Corps, Coast Guard and Air Force are in the process of taking delivery of their planned fleet of 119 C-130J's. This aircraft is currently supporting our Allies in operations around the world, including dangerous areas of conflict such as Iraq and Afghanistan. To date, the C-130J has flown more than 300,000 hours.

This Government is delivering on its promise to acquire the necessary capabilities for our military. The C-130J is the right tactical lift aircraft for the Canadian Forces and the Government remains confident that it will meet Canada's operational requirements.

[English]

BIRTHDAY WISHES

Hon. Marcel Prud'homme: Honourable senators, before we call the Orders of the Day, I would like to wish to Senator Comeau and Senator Joyal happy birthdays.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Sharon Carstairs: Honourable senators, I rise today to speak on this bill, which of course would make changes to this chamber. I rise with a certain amount of déjà vu, if you will. I have been interested in the particular topic of Senate reform for 52 years. I was 13 years old when my father was appointed to this place. Senate reform was a topic then and it remains a topic now.

When I was 16 years old I went to Dalhousie University, along with my colleague Senator Cowan and we had a professor by the name of James Aitchison. Professor Aitchison went on to become the leader of the New Democratic Party in Nova Scotia and he was a firm abolitionist with respect to the Senate of Canada. He

made it clear after calling me aside in class one day that I was not to take personal affront to his position, that the philosophical basis of his discussion had nothing to do with the fact that he wanted my father out of a job.

There followed a good-natured banter between the professor and me for the next four years, to the point where — I am sure Senator Cowan does not know this — although we shared many examinations in common, I always had a slightly different one, because Professor Aitchison would always add an extra question on the bottom of my examination paper: What do you think about the Senate today?

Senator Cowan: That is why you did better than I.

Senator Carstairs: That is probably why, Senator Cowan.

It was an interesting dialogue and debate between the two of us, I being, of course, not as well informed as Professor Aitchison, although I learned over the years. My first thought, when I heard about the Prime Minister's intention to announce Bill S-4, was that at least it was a first step at a time when a great deal of institutional reform is needed in Canada.

• (1430)

It is somewhat ironic that reform is beginning with this place because I think the other place is much more dysfunctional than the Senate of Canada. It might have been better to start with them rather than with us. Having said that, institutional reform must start somewhere.

The thought of debate about reform of the Senate of Canada did not disturb me, and I liked the concept. I was not unhappy to have such a bill placed before the Senate. Like many in this chamber, my concern was whether we, as a Parliament, have the constitutional right to make this amendment? Would an eight-year term change the function and basic proposition of the Senate? Could it, therefore, be done as an earlier amendment was done to the Senate in 1965?

I must digress for a minute. That amendment involved a great deal of family discussion. My father was in the Senate in 1965, having been appointed for life. At that time, he was offered a chance to vote on a bill that would allow him and other senators to retire at the age of 75, should they choose to do so, while all other senators would have to retire at the age of 75. Was this amendment a good idea or a bad idea for the Senate?

Honourable senators, in 1965 the Senate was an interesting place. It did not sit often. It sat every day, but not for long periods of time. When I was in the chamber, it was not unusual to have the Senate sit for 20 or 30 minutes. Then, they would adjourn upstairs, often for rather lively games of bridge. However, their work was not in this chamber but in many committee reports. Certainly, the study on poverty by David Croll is one that I will remember best.

There was a great deal of concern at the time in 1965 about whether that bill would dramatically change the Senate. The argument that touched most people, perhaps, was that most senators did not live to be much older than 75 years so the bill had

become somewhat irrelevant, if you will. The bill led to a rather substantive argument in my family in 1975 or 1976 because in 1976 my father became eligible for retirement, and he would not retire. He was a lifer and intended to remain in the Senate for life. However, he had a serious stroke, which made his participation in this chamber less than active.

I brought my father back to the chamber in 1972 and again in 1974 because I had hoped that his health would be restored and he could become an active member of this chamber again. I refused to bring him back after his seventy-fifth birthday because, and I make no apologies for this, being the feminist that I am, I was angry with him because he would not provide my mother with a pension. By his remaining as a lifer, she did not become eligible for a Senate pension. I believe that my brother brought him back once but, eventually, he died of another massive stroke. Thus, honourable senators, Senate reform is important to me; this chamber is important to me; and this institution is important to me. You cannot spend 52 years in close proximity to an institution and not develop a passion for it.

I read with great interest the work of the Special Committee on Senate Reform in respect of Bill S-4. I would have liked to participate in that work but, as many honourable senators know, I have had personal problems to deal with during much of that time. I have read all of the work completed by the committee and I think they hit it right. By saying that an eight-year term in the Senate was too short but that a 12-year term was more appropriate, the committee struck the right balance. Coincidentally, this is my twelfth year in the Senate of Canada: it is right, I think. It is fair to say that the first two or three years are the learning years, and then you find your stride and contribute in a valid way, and I still have something to contribute. A senator can make a significant contribution to this chamber and to the country with a 12-year term.

However, I still have a niggling doubt about its constitutionality. That is why I am in full agreement that this should go back to the Legal and Constitutional Affairs Committee to study upon the single issue of the constitutionality of this provision. If I have any disappointment with respect to this bill, it is because I do not think that it goes far enough. Yes, it is a small first step but there is so much more that we need to do with respect to both this institution and the other place. I happen to believe strongly that the Senate, under the Constitution of Canada, discriminates against those between the ages of 18 and 30 because one cannot be appointed to this house until one is 30 years old. Well, a person is either a full citizen with the right to vote and participate in Canadian institutions or a person is not a full citizen. I do not understand why we have chosen to discriminate against those under the age of 30. Such a rule might have made sense in 1867 but it does not make sense in 2007. In 1867, democratic reform was at its beginning. The first reform act in Great Britain was passed in 1832, the second in 1867 and the third in 1884; and women did not have the vote until the following century. When the Fathers of Confederation were writing "age 30" into the legislation in 1867, they were actually in front of the democratic reform process. However, in 2007 I would suggest to honourable senators that we are way behind the democratic reform process.

I am concerned as well that we have not dealt with the issue of representation in this place, other than with a motion from Senator Austin and Senator Murray.

I grew up in Atlantic Canada and I know why they hold firmly to their number of seats in the Senate of Canada: They will never have the significant numbers, at least not in the immediate future, to give them that kind of representation that the West will receive in the House of Commons.

• (1440)

Honourable senators, that simply is not good enough for Western Canada. Western Canada deserves better. In 1867, the Fathers of Confederation had no understanding, nor should they have, that the West was to grow the way that it has grown. If you just think in terms of basic geography, the Atlantic provinces have something very much in common, one with the other: They are all surrounded by the Atlantic Ocean.

Those of us who live in the Prairies — Manitoba, Saskatchewan and Alberta — do not really have a great deal in common with British Columbia. British Columbia is a region all of its own and, in my view, should be recognized as a region unto its own. Of course it was not envisaged in 1867, but if we are to talk about institutional reform, then let us talk about institutional reform in its broadest possible context.

I like the motion that was introduced by Senator Austin and Senator Murray, but they recognized that they could not bring it into force and effect. They could not introduce such a constitutional amendment because they recognized that it would require the consent of the provinces to do such a constitutional amendment. This is an issue, honourable senators, we must debate and discuss.

We have another bill that has not yet come to this place. Bill C-43, which has been tabled in the other House, would bring about a strange new concept. I read that bill this morning. We use words like "nominations" because we cannot do away with the appointment process of people to this place by a simple piece of legislation in the House of Commons and in the Senate of Canada. Changing the Constitution to reflect a genuine election process to this chamber can only be done with consultation of the provinces and the consent of the vast majority of those provinces. By stealth, we have had a proposition that I think tries to fool Canadians that somehow those people will no longer be nominated by one individual, that is, the Prime Minister. Somehow, they will be elected or they will not be elected, but they will be still named by the Prime Minister of Canada because in order to change that, we must change the Constitution; we have to change the Canada Act.

The Hon. the Speaker: I regret to advise that the honourable senator's time is up.

Senator Carstairs: Might I have a few more minutes?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

The Hon. the Speaker: Agreed?

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, I was in the West when Triple-E and Burt Brown from Alberta became a very much discussed issue — that is, an equal, elected, effective Senate. I told Burt at the time — because I would not dare argue, with my father's legacy, that it was not effective — that I was interested in his comments of "equal" and "elected".

I have always had difficulty — and with great apologies to my friends from Prince Edward Island — with the concept that Prince Edward Island should have as many Senate seats as Ontario. That has always provided me with a certain difficulty. That is why I have liked the concept of regions as opposed to individual provinces.

I am not a great fan of the direct election of senators. I believe in a process different from the one we have now. I do not believe that it reflects well on this chamber or on Canadian democracy that one person, on one day, can put one other person in this chamber. I just do not believe that. We all like to think we are highly qualified for this place, but the bottom line is that, at some point, a Prime Minister woke up one morning and put our name on a list. That is why we are here. Let us be honest. We like to think we had all kinds of qualifications — I like to think I had all kinds of qualifications — but the bottom line is that a Prime Minister woke up one day and put our name on a list. I do not think that is good enough for 2007. We must look at other ways.

Honourable senators, if we want to turn this chamber into a mirror image of the chamber down the hall — which, in my view, does not function terribly well — then let us not have this chamber at all. I would then support abolition of this chamber before I would support making us a mirror image of the other place.

Some Hon. Senators: Hear, hear!

Senator Carstairs: Honourable senators, I will support this piece of legislation as amended by our committee, if our Legal and Constitutional Affairs Committee can verify that it meets the constitutional smell test. That is a step forward that is long overdue.

Hon. David Tkachuk: I would like to ask a question of the honourable senator. Does she think that Prime Minister Mulroney woke up one morning and put Stan Waters on the list or the other senators appointed from the Province of Quebec?

Senator Carstairs: We all know how Stan Waters got here, and that was a deal with respect to Meech Lake.

Hon. Lowell Murray: Senator Carstairs has mentioned the constitutional problems that arise with regard to Bill C-43 and, indeed, as she knows and as the house knows, both Ontario and Quebec have indicated that they would go to court to stop Bill C-43.

Does the senator not believe that, in the case of Bill S-4, the constitutionality of which is being debated, it would be wise, before proceeding, for the Attorney General of Canada to refer it to the Supreme Court of Canada for an opinion on its constitutionality?

I recognize that my honourable friend seems to set considerable weight on whether the Standing Senate Committee on Legal and Constitutional Affairs would give its approval, after the smell test. In the final analysis, it is really the Supreme Court of Canada that would have to decide.

Senator Carstairs: Yes, it would. If the bill was passed, someone would take this as a case. I think it would be well advised for the government to do it first and to take the reference to the Supreme Court of Canada. That would make us all feel much more comfortable about what we are deciding in this place.

Let me repeat, however, that if we did pass it in this house, someone in Canada will challenge this.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I move the adjournment in the name of Senator Furey.

The Hon. the Speaker: Honourable senators, Senator Furey is in the chamber. With the presence of the senator in this chamber, another senator is not able to make a motion on his or her behalf.

I understand there is another question of Senator Carstairs?

Senator Comeau: What about time?

The Hon. the Speaker: The time is up.

Hon. George J. Furey: I move the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Those in favour of the motion will please say "yea".

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Does the chair have advice from the two chief whips?

Hon. Terry Stratton: One-hour bell.

The Hon. the Speaker: There will be a one-hour bell. Call in the senators.

• (1550)

Motion agreed to and debate adjourned on the following division:

YEAS
THE HONOURABLE SENATORS

Austin	Hervieux-Payette
Biron	Hubley
Callbeck	Jaffer
Campbell	Joyal
Carstairs	Mercer
Corbin	Milne
Cowan	Mitchell
Dawson	Pépin
De Bané	Peterson
Eggleton	Phalen
Fairbairn	Robichaud
Fitzpatrick	Rompkey
Fox	Sibbeston
Fraser	Smith
Furey	Tardif
Goldstein	Trenholme Counsell
Grafstein	Watt
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Hays	

NAYS
THE HONOURABLE SENATORS

Andreychuk	Keon
Angus	LeBreton
Champagne	Nancy Ruth
Cochrane	Nolin
Comeau	Stratton—11
Di Nino	

ABSTENTIONS
THE HONOURABLE SENATORS

Cools—1

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Milne*)

Hon. Marilyn Trenholme Counsell: Honourable senators, I am pleased to speak on Senator Fairbairn's inquiry calling the attention of the Senate to the state of literacy in Canada. However, I am not pleased that this inquiry was prompted by a cut of \$17.7 million in reduced funding announced by the federal Conservative government on September 25, 2006.

Many eloquent and passionate speeches have been delivered in this chamber on literacy in response to this inquiry. These speeches have presented statistics — provincial, territorial and national — on illiteracy through the adult population and the socio-economic impact resulting from these compromised levels of literacy in Canada.

In my province of New Brunswick we have our own statistics. I do not present them with pride, but rather with a troubled mind, especially in the context of unwarranted and ill-considered cuts to literacy funding by the Conservative government under which we now find ourselves.

[*Translation*]

In 2003, 55 per cent of anglophone adults in New Brunswick were not literate enough to work in the 21st century. Furthermore, 66 per cent of francophone adults in New Brunswick are not functionally literate: they cannot read and write as well as they need to.

Honourable senators, in 2007, there is greater hope for the future thanks to the considerable efforts of our schools and communities. Nevertheless, in 2005-06, 20 to 30 per cent of our students could not read at an appropriate level. Why not? This sad reality for our boys and girls is due primarily to low literacy in the home. Parents are a child's first teachers, and, in my opinion, the most important teachers in their child's life.

Imagine the low self-esteem in such homes. How can parents who are unable to get a good job offer their families a good life and ensure that their children are properly prepared for school when they enter kindergarten?

• (1600)

The cycle of despair begins each time a child comes to school from a disadvantaged home, from a family less equipped to provide basic literacy training.

I have often said that the family home fosters love and learning. Yet a home cannot foster literacy unless parents are confident that they can pass on the ability to read and write.

That is why I get so emotional. That is why thousands of people across Canada working in literacy are disappointed, frustrated and traumatized because of the federal government's terrible decision to cut literacy funds.

[*English*]

What is the impact of these cuts to literacy funding? The Leader of the Government in the Senate has tried to reassure us that programs will continue, maybe, but I can tell that you literacy groups in my province face an uncertain future in the short term. Yes, they are applying for ongoing federal dollars, painstakingly filling in forms despite their fears and doubts that they can meet the onerous criteria laid out by this new Conservative government. I am told these applications have never been so difficult. Perhaps by just making the application so tedious, so time-consuming, so tricky, most groups will be disqualified. That is one way for this Conservative government to cut literacy funding.

What does all of this mean? Some excellent literacy programs will continue. Many dedicated people will continue to volunteer to help adults read and write, improve numeracy, to find a job and to know what it means to feel self pride. A few may even be paid minimally for their efforts, but the sad fact is that across the spectrum of literacy programs a blow has been felt. This blow has struck at very heart of our provincial literacy organizations; in New Brunswick, la fédération d'alphabétisation du Nouveau-Brunswick and the New Brunswick Coalition of Literacy. The Conservatives fail to appreciate what these organizations do. They seem to think they are dispensable. This is heartless and it is foolhardy.

Our literacy coalitions connect the dots. Yes, any one of my province's literacy programs or projects is a bright dot, but working alone where is the support from their colleagues? Where is the stimulation to grow, to share ideas for new programs and to do better?

Our literacy coalitions depend largely on federal dollars for their very existence. I wonder if the Prime Minister has ever visited one of these organizations. I have, many times, and I know about their hard work and dedication, about their meagre offices without frills, and maybe not even the technology we all consider necessary in 2007, with one or two employees struggling on very low wages to provide hope to adults and their children. Any one of us in any one of these offices would feel vulnerable, no matter how profoundly committed we were to literacy.

Well, this fear of vulnerability became a reality for them in 2006, like a punch in the eye, like a slap in the face, yes, like a kick in the butt.

The Conservative Government of Canada said these organizations were probably unnecessary; they were a waste of money; what they are doing does not matter. Even if you do continue to exist, you will have to make do with less.

Well, these good people are fighting back, and they have thousands of friends, many of them right here in the Senate. Cutting literacy groups, coalitions, by \$17.7 million was not only mean and heartless, it was short-sighted. It made no economic sense. It made no social sense.

It made absolutely no sense to women and men from coast-to-coast-to-coast, who believe with absolute certainty, based on fact, that this country is paying a huge price due to unacceptable levels of illiteracy in Canada and that every man, woman and child without literacy is paying a huge price in terms of opportunity, pride and hope.

The price is too high — \$17.7 million is like a drop of water in one of our Great Lakes yet that drop of water creates ripples, circles of possibility across this land. It improves the lives of millions for whom literacy is only a dream. It improves our bottom line as a nation and our international reputation.

The joy, the power, and the comfort of reading, no budget cut, no short-sightedness, and no lack of heart can stop the literacy movement in this country. We will overcome. We will never rest until every Canadian has the possibility of reaching her or his full potential in reading, in writing as a human being. To do this we will demand that our government stop its blind, blatant and bitter denial of the value of our literacy organizations. We will defend them by our words and by our actions.

[Translation]

I hold out great hope for all those who have committed themselves wholeheartedly to the cause of literacy. I hope that all my colleagues in the Senate of Canada will ask the Prime Minister to admit his mistake and restore the \$17.7 million for literacy to the budget.

[English]

We teach our children to say "I'm sorry." How easy it would be for the Prime Minister of Canada to say "I'm sorry." In my mind, that would not be a flip-flop, it would be recognition that our literacy workers in every province and territory in Canada deserve nothing less. As our New Brunswick motto states, it would be "hope restored."

On motion of Senator Mercer, debate adjourned.

CONTRIBUTIONS OF THE HONOURABLE HOWARD CHARLES GREEN TO CANADIAN PUBLIC LIFE

INQUIRY—DEBATE CONTINUED

Leave having been given to revert to Other Business, Inquiry, No. 19:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Murray, P.C., calling the attention of the Senate to issues concerning the faithful and exemplary service to Canada, during his entire adult lifetime, of the late Honourable Howard Charles Green of British Columbia.—(Honourable Senator Comeau)

Hon. Larry W. Campbell: Honourable senators, I rise today to express my support for the naming of a federal building in Vancouver after a distinguished Canadian, Howard Green. Other senators have spoken eloquently about the background of contributions made to not only Canada but the world by Mr. Green.

To summarize, he was a veteran of the First World War, a lawyer, a politician representing my riding of Vancouver-Quadra for seven terms, a minister of the Crown, and perhaps most important, an outspoken advocate of nuclear disarmament. In addition, I have spoken to his granddaughter, who naturally describes her grandfather as a loving, caring and wonderful person.

I have read and listened to the concerns of the various groups who have expressed their opposition to the naming of this building. I understand completely their sentiments and would suggest that their concerns have been addressed by previous governments.

As quoted by the Honourable Senator Segal:

On September 22, 1988, the Rt. Hon. Brian Mulroney, Prime Minister of Canada, extended in the Parliament of Canada an elaborate, well-deserved, deeply articulated,

heartfelt and sincere apology to all Japanese-Canadians and their descendants. It was an historic day, as was the foundation established to make that apology a living reality in perpetuity.

The statements made by Mr. Green during the Second World War are clearly racist in nature. However, I would suggest that we must take into consideration the era and the events of that time. Canada was at war and was living in an era of fear. This should not be seen as an excuse but rather a fact.

Who among us has led such a pristine life that we would be judged pure and clean of all wrongs? Who among us does not have an utterance or action that they regret? To quote from the Bible, "... let he who is without sin cast the first stone." It is unlikely that any building could be named after anyone if we used this test.

Mr. Green is more than deserving of having a building named after him. I urge the Minister of Public Works and Government Services to move forward and name the building the Howard Charles Green Building.

On motion of Senator Stratton, debate adjourned.

• (1610)

[Translation]

FISHING INDUSTRY IN NUNAVUT

INQUIRY—DEBATE CONTINUED

On the order:

Resuming debate on the inquiry of the Honourable Senator Adams calling the attention of the Senate to issues concerning the fishing industry in Nunavut related to the use

of fishing royalties, methods of catch, foreign involvement and a proposed audit of Inuit benefit from the fishery.
—(Honourable Senator Fraser)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I realize that this is an extremely important subject and that many senators would like to speak about it. I therefore ask that the debate be adjourned in my name.

On motion of Senator Tardif, debate adjourned.

[English]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 6, 2007, at 2 p.m.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until Tuesday, February 6, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, February 1, 2007

(* Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations			
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 rd (including 1 amend to report) 06/11/09 Total 158	06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21 Referred to committee 06/11/23 Report adopted 06/12/07 Message from Commons- agree with Senate amendments 06/12/11	06/12/12	9/06
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07		

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Debates of the Senate

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•

39th PARLIAMENT

•

VOLUME 143

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OFFICIAL REPORT
(HANSARD)

Tuesday, February 6, 2007



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER PRO TEMPORE

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,
and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Tuesday, February 6, 2007

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

SHEILA WATT-CLOUTIER

2007 NOBEL PEACE PRIZE—
CONGRATULATIONS ON NOMINATION

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, it fills me with great pride to draw your attention to the nomination of Canadian Inuit leader and climate change activist Sheila Watt-Cloutier for the 2007 Nobel Peace Prize.

[Translation]

On February 1, two Norwegian members of Parliament, Boerge Brende and Heidi Soerensen, announced the joint nomination of Ms. Watt-Cloutier and the former Vice President of the United States, Albert Gore.

The Norwegian members of Parliament wanted to highlight the two candidates' efforts to focus the world's attention on the impact of climate change. They also wanted to recognize their contributions to developing tangible solutions to the problem.

Ms. Watt-Cloutier is from Kujjuuaq in Nunavik and now lives in Iqaluit, Nunavut. She has dedicated her life to environmental conservation and protecting the rights and interests of the Inuit.

During her early years as chair of the Inuit Circumpolar Council, she succeeded in convincing the organization's member States to sign an agreement banning the production and use of pollutants that contaminate the Arctic food chain.

In 2005, she received the Norwegian Sophie award and the Governor General's Northern Medal for her leadership on environmental issues. Ms. Watt-Cloutier was also named an Officer of the Order of Canada in 2006. That same year, she received the Canadian Environment Awards Citation of Lifetime Achievement.

• (1405)

[English]

We congratulate Ms. Watt-Cloutier on her dedication to preserving the environment and, most especially, on her nomination for the 2007 Nobel Peace Prize.

We hope this good news will help convince the Prime Minister — a latecomer to the environmental cause — to put even greater distance between himself and his former views that efforts to combat climate change are “a socialist scheme to suck money out of wealth-producing countries.” We hope he has changed his mind.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to draw your attention to the presence in the gallery of members of the European Free Trade Association Committee.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

REOPENING OF GANDER WEATHER OFFICE

Hon. Ethel Cochrane: Honourable senators, in 2003, the federal government decided to close the Gander weather office, much to the distress and outrage of the people of Newfoundland and Labrador. I am happy to say that today the people of my province can be confident that the weather forecasts on which they rely are local ones made with the most accurate forecasting technology available.

Earlier this month, on January 9, the new weather forecasting centre opened at the Gander International Airport terminal. It marked the first time since July 5, 2004, that the forecast originated in Newfoundland and Labrador. This is particularly important in a province like mine, one that has unique weather patterns, where weather forecasting is fundamental to the robust environmental and ocean technology industries. It is also positive because it marks a return of much needed federal jobs to my province.

Honourable senators, I would like to commend and congratulate Gander resident Pat Dwyer. He is a PSAC member and Gander International Airport firefighter who organized a petition to bring weather forecasting back to the province from Nova Scotia. Pat decided to get involved because he was concerned for the lives of people living in this province who travel the highways and the seas. He also felt that federal jobs and services were important.

While the initial goal was to get 100,000 signatures, in the end more than 125,000 people signed the petition. In the process, weather forecasting became a political issue in the last federal election campaign.

Conservative leader Stephen Harper was among the people who signed the petition, and I am pleased to see him follow up that signature with real action. He said he would restore regional forecasting, and that is another promise he has kept.

I also thank and commend Pat Dwyer for taking the initiative to organize the petition and to get out in the community and mobilize people around this issue. He really raised the profile of the weather forecasting situation, and I believe his efforts were

critical to getting the service returned to our province. It is due to the actions and efforts of citizens like Pat Dwyer that democracy and political participation are alive and well in Canada.

[English]

[Translation]

OFFICIAL LANGUAGES

FORTIETH ANNIVERSARY OF LAURENDEAU-DUNTON REPORT— STATE OF BILINGUALISM

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, yesterday Radio-Canada released the results of a survey it commissioned to mark the fortieth anniversary of the Laurendeau-Dunton Royal Commission, which led to the adoption of the Official Languages Act in 1969. The survey explores how Canadians see bilingualism and how important it is to them.

The survey results are very interesting because they support the findings of the Office of the Commissioner of Official Languages' 2006 study: most Canadians support bilingualism and linguistic duality.

• (1410)

[English]

Eight Canadians out of 10 support the idea that Canada is a bilingual country, and an overwhelming majority of Canadians also believe that the prime minister should be able to speak both English and French. As the Commissioner of Official Languages said in reaction to the poll, 'it is clear that Canadians have definite expectations of the language abilities of their elected officials.' Interestingly, students are some of the biggest supporters of Canada's two official languages, thereby reinforcing the fact that there is a continued interest in learning Canada's two official languages.

[Translation]

However, the poll shows that even though Canadians are interested in learning our two official languages, they still do not have enough opportunities to do so. Continued promotion of second language programs is needed so that Canadians who want to can learn the country's other official language.

Honourable senators, our federal and provincial governments must continue encouraging the creation and provision of second language learning programs and continue promoting linguistic duality in order to enhance the vitality of our official language minority communities. By making it easier for people to access these programs and by encouraging cultural exchanges between different regions, we will build a skilled workforce to meet the needs of the 21st century.

[Senator Cochrane]

ROUTINE PROCEEDINGS

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO REFER DOCUMENTS FROM STUDY ON BILL S-16 DURING THIRTY-EIGHTH PARLIAMENT TO CURRENT STUDY OF BILL S-216

Hon. Gerry St. Germain: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the papers and evidence received and taken and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the First session of the Thirty-eighth Parliament during its study of the subject matter of Bill S-16, An Act providing for the Crown's recognition of self-governing First Nations of Canada, be referred to the said Committee for its study on Bill S-216, An Act providing for the Crown's recognition of self-governing First Nations of Canada.

[Translation]

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CANADIAN TELEVISION FUND

Hon. Lise Bacon: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the objectives, operation and governance of the Canadian Television Fund, and

That the Committee submit its final report no later than June 30, 2007.

• (1415)

QUESTION PERIOD

PRIME MINISTER

SPEECH TO CANADIAN CLUB OF OTTAWA

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, could the Leader of the Government in the Senate explain why the Prime Minister chose, today, to give a speech described by his strategists as a mini Throne Speech setting out a new direction for his government, just steps from Parliament Hill, to businesspeople, breaking with the tradition whereby such a speech is given in Parliament to the representatives of all Canadians, not just Canada's elite?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. The Prime Minister was invited by the Canadian Club of Ottawa to deliver a speech to mark the first anniversary of the swearing in of the new Conservative government. If the honourable senator had watched the speech, she would know that the Prime Minister summarized the accomplishments of the government thus far. It was a lengthy speech. He laid out in more specific terms some of the goals of the government for the remainder of this winter session and for the spring session. It was a speech that prime ministers of whatever political stripe would give to an audience such as the Canadian Club.

Of particular note in the Prime Minister's speech was when he talked about the environment and illustrated by graph the challenges we face in dealing with the environment, where the commitment line was from the previous government and what happened under the previous government.

[Translation]

Senator Hervieux-Payette: Honourable senators, this speech given outside Parliament is the second example in less than 24 hours of the Prime Minister's contempt for our institution.

POSITION ON HOUSE OF COMMONS MOTION REGARDING KYOTO PROTOCOL

Hon. Céline Hervieux-Payette (Leader of the Opposition): Will the Leader of the Government in the Senate tell us how the Prime Minister can still claim to wish to protect the environment when, yesterday, he ordered his caucus to vote against the motion to honour Kyoto protocol commitments and did not even participate in the vote?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is absolutely untrue to say that the Prime Minister is in contempt of Parliament. With regard to the motion in the other place, even supporters or supposed supporters of the Liberal Party, people such as Jeffrey Simpson and members of the editorial board of *The Globe and Mail*, underlined on Saturday the fallacy of this motion. We opposed the motion because it recognized the Canadian Environmental Protection Act as the only mechanism to regulate emissions. If that were indeed the case, why did the Liberal government not take up this mechanism between 1997 and 2005?

THE ENVIRONMENT

UNITED NATIONS INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE—PROPOSED INTERNATIONAL BODY—GOVERNMENT POSITION

Hon. Art Eggleton: Honourable senators, this self-styled new government has been dismantling Canada's international reputation with its lack of action on climate change. We have a Prime Minister who, in March of 2003, said the Kyoto Protocol was "the worst international agreement this country has ever signed."

Since taking office, the Prime Minister's government has undermined the international process and cut \$5.6 billion from climate change programs that were working and that were helping, and the government has missed UN reporting deadlines.

Recently, with the report issued last week in France, the government of France, together with 45 other countries, are calling for the creation of a new international environmental body on climate change to move the agenda forward. Will the government support that new environmental body on climate change?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Eggleton for the question.

As I said in this house last week, the Prime Minister, during his year-end interviews, acknowledged that the Canadian population expected their government to take action on the environment. He took note of it and made a commitment to do just that.

• (1420)

Our new Minister of the Environment, John Baird, went to Paris. From all reports, including those in the media, Mr. Baird acquitted himself admirably there.

With regard to the climate change report, Minister Baird is working on this file 24/7. I am sure he is looking carefully at this report. I will leave it to Minister Baird to respond. When he does, I will be happy to inform honourable senators in this place.

Senator Eggleton: Honourable senators, it is hard to have much faith in the commitment made by the Prime Minister when we look at his history in regard to the Kyoto Protocol and comments such as those I quoted a moment ago. He has been dragged, kicking and screaming, and that is not the kind of commitment that this country needs, nor is it one that the people of this country look forward to.

Let me ask a supplementary question about another commitment made by the previous Minister of the Environment, Rona Ambrose, who went to a summit in Nairobi. There the assembled countries agreed to submit a detailed analysis of the effectiveness of their climate change programs by February 23. Will the government assure Canadians that Canada will meet that obligation on the deadline of February 23; yes or no?

Senator LeBreton: I thank the honourable senator for his question. If he watched the Prime Minister's tremendously powerful speech today, he would have seen the graphs that were used in the speech that underscored the challenge the government faces with the issue of greenhouse gases, to say nothing of the fact that the previous government did absolutely nothing on the issue of pollution. In fact, our record is perhaps the worst in the world.

With regard to the February 23 date to which Minister Ambrose had committed, I will take that question as notice and return to Senator Eggleton with an answer.

[Translation]

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. Do you agree that environmental protection can only be carried out within a global framework and that all countries must be involved if we wish to protect the environment? If that is the case, is the Kyoto Protocol the only truly global initiative at present?

[English]

Senator LeBreton: Honourable senators, of course Kyoto was an international agreement; and the situation the planet faces now is one on which all countries and all governments, no matter their political stripe, must work in the interests of their citizens. The previous government signed on to the protocol with the full knowledge that they were not able to live up to its commitments. In fact, the Prime Minister of the day was quoted as saying that he signed on to it only to beat the Americans, and he did not even do that. That is not a valid reason for signing on to such an important protocol.

To answer the question briefly, of course this issue should seize us all. We all live on this planet together. The government has made some serious first steps in dealing with this issue. Minister Baird has represented the country well.

• (1425)

Minister Lunn and the Prime Minister have made announcements over the past few weeks. In December, Minister Ambrose, the Prime Minister and the Minister of Health made important, world-leading changes in terms of categorizing toxins. The government is committed to doing everything it can reduce greenhouse gases and deal with air pollution, the quality of our water and, of course, the safety of the food we eat and the products we use in our households.

HOUSE OF COMMONS MOTION REGARDING KYOTO PROTOCOL

Hon. Marilyn Trenholme Counsell: Honourable senators, it seems to me that whenever experts or scientists agree, the Conservatives disagree. Of great concern to me is their total disagreement with child care experts on quality child care and early childhood development. Of equal concern is their disagreement with Kyoto. Canada's new Minister of the Environment was "astonished," his own word, that 400 scientific experts agreed in Paris on Kyoto, on the human aspect of global environmental change. Why then, in view of this recent massive scientific support, did the Conservatives vote against Kyoto again last night in the House?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I have answered that question. The motion that was put forward by the opposition was not supported because, as pointed out in the media and by environmental experts, it was simply playing politics. Most people saw through it, and this government is committed to making real, positive changes in our environment.

PRIME MINISTER

POSITION OF HOUSE ON MOTIONS REGARDING KYOTO PROTOCOL

Hon. Marilyn Trenholme Counsell: Honourable senators, I am astounded that the leader would say that Kyoto was "playing politics." There must be many people around the world who are not sincere about the environment. Certainly, it is anything but politics. It is a worldwide issue and has the support of many countries.

The supplementary question will be on sober second thought, our constitutional responsibility. Honourable senators, I believe that the wisdom, experience and passion of senators on the environment should be transmitted to our naive Minister of the Environment, our astonished minister, and to the Prime Minister, who avoided the fire last night vis-à-vis Kyoto by failing to vote. The Prime Minister, an expert on firewalls, does not support Kyoto because he seems to believe that any government can limit its own legislation and regulations on the environment and can create walls around Canada; the air above, the landmass of his own country and the water touching its shores. This Prime Minister does not accept expert warnings. The winds and tides circulate air and water around the planet, hence Kyoto. He still believes "Kyoto is essentially a socialist scheme . . ." "It will take an army of Canadians to beat Kyoto . . ."

Will the honourable Leader of the Government in the Senate exercise her constitutional responsibility and soberly, on behalf of all senators in this house, ask the Prime Minister to change his position on Kyoto?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator. I did not say that Kyoto was playing politics; I was simply reporting that the media said that Mr. Dion and the Liberal Party were playing politics.

The honourable senator lists what she believes are the Prime Minister's beliefs on the environment and, of course, she is dead wrong.

With regard to the vote in the House last night, as I pointed out in an earlier answer, we do not believe that the Canadian Environmental Protection Act is the only mechanism to regulate emissions. We believe in Bill C-30, the clean air act, which is a better way to fight climate change and air pollution. We will work hard with the committee studying the bill to get things done on the environment, and I hope the honourable senator will urge her Liberal colleagues in the other place to work with that committee in order to strengthen Bill C-30 in the interests of all Canadians.

• (1430)

Hon. Sharon Carstairs: Honourable senators, I am interested in the reply of the Leader of the Government in the Senate that the Honourable Senator Trenholme Counsell is "dead wrong" when she quotes the actual statements of the Prime Minister. It is hard to imagine that she is, therefore, dead wrong.

However, the Prime Minister has an opportunity to stand up and say clearly that he repudiates the statements he made earlier. Will he make such a statement?

Senator LeBreton: Honourable senators, I will not respond to such suggestions because, for example, we could ask Mr. Chrétien to repudiate his reasoning for signing on to the Kyoto Protocol in the first place.

As the Prime Minister has said publicly today, in many interviews at the end of the year and in the other place, he acknowledges the science of climate change. He also said that he acknowledges the desire of the Canadian public to have parliamentarians work together to strengthen our laws on the environment. This will be the first government to have actual targets and regulations as opposed to voluntary targets, which were the flavour of the times under the previous government. Of course, we know the results of that approach. Our emissions went through the roof and our rate of air pollution is probably one of the worst in the world.

I doubt very much that anyone would expect me to take any lessons from the failed experiment of the previous government. Our government is making a genuine effort. We will be bringing in real targets, proposals and laws to deal with not only the issue of greenhouse gas emissions, but also pollution and the quality of our water and food.

Hon. Joan Fraser: Honourable senators, I have a supplementary question for the Leader of the Government. This is a simple issue. The House of Commons voted yesterday; the House of Commons expressed its will. The elected representatives of the people of Canada expressed their collective will. I take it from the minister's lengthy responses that the government of the day has no intention of respecting the will of the House of Commons. Is that true?

Senator LeBreton: Honourable senators, as I pointed out earlier, the motion voted for by the majority in the House of Commons — where, we must remember, there is a minority government — does not, in the view of the government, recognize our real challenge, which is dealing with the proposed clean air act.

Over the past couple of weeks, people in the government and environmental experts have realized that the Kyoto targets cannot be met. Even Stéphane Dion, last summer in an interview with the *National Post*, admitted that they could not be met. The Liberal deputy leader, Michael Ignatieff, agreed that they did not get it done, as did a whole host of people on the Liberal side. As a matter of fact, the previous Minister of the Environment, Mr. Anderson, even went so far as to say that Stéphane Dion, the present leader, was once not as committed to Kyoto as he now proclaims to be.

• (1435)

Some Hon. Senators: Oh, oh.

THE ENVIRONMENT

POLICY ON CLIMATE CHANGE— REQUEST FOR TIME LINE

Hon. Tommy Banks: Honourable senators, I guess that constitutes a “no.”

Senator Rompkey: John Diefenbaker is turning over in his grave.

Senator Banks: I will return, if I may, to the answer the Leader of the Government provided to Senator Eggleton, which was that they will get around to it someday and will let us know about those emissions controls when they can.

The government had no difficulty in changing the tax regime. It was elected to govern.

I have two questions. First, how long will this be the “new” Government of Canada?

Senator Day: Not much longer.

Some Hon. Senators: Oh, oh.

Senator Banks: My second question deals with the second part of the leader's answer. None of us were surprised to hear her say that the previous government was guilty of inaction.

Senator Nolin: The “old” government.

Senator Banks: Let us say that our government was guilty of inaction. Let us say that — for the sake of argument, but only for the sake of argument — that is true. We have heard that before, and I expect we will hear it many times again.

The leader's party was supposed to be a government in waiting, and they were elected to be a government. The present government is, to use a word that found favour on her side, “dithering.” Everyone knows what needs to be done. The proof that it needs to be done has been a long time coming. Even the Prime Minister seems to have come to the realization on the road to Damascus about what needs to be done. Regardless of how he arrived at that conclusion, we are delighted that he has done so. When will the present government do it? The previous minister said in the middle of January and the present minister said maybe it will be later. The present government has been in office for a year and knows the facts. The facts are known to everyone.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I could stand here and take up quite a lot of the honourable senator's time listing the achievements of the present government

Senator Di Nino: That is a good idea.

Senator Tkachuk: List them.

Senator LeBreton: Since my honourable friend specifically mentioned the environment, as he knows, announcements have been made over the past few weeks following the change of ministry.

Going back to the motion last night in the House of Commons, it sought to tie our efforts to fight climate change solely to the Kyoto Protocol. We already know, as admitted by people on the honourable senator's side from the previous government and more recently, that this is not reasonable and not doable. However, there are a variety of mechanisms available to reduce greenhouse gases and pollution.

To tie the government to a motion in the other place that everyone says was —

Senator Milne: To an international agreement.

Senator LeBreton: — put there for purely political reasons is not the way to go.

Senator Milne: It is a black eye for Canada.

Senator LeBreton: This is a serious issue and people want the government to proceed. They know that it will not be fixed with a snap of the fingers.

The Minister of the Environment has already consulted widely and has received many kudos from environmentalists and others, including scientists he met in Paris.

Senator Rompkey: Name them!

Senator LeBreton: Honourable senators, I will say this: When the government rolls out its environmental plan, it will be markedly better and a great improvement on the decade of inaction by the previous government.

Senator Banks: When will that happen?

• (1440)

Senator LeBreton: Honourable senators, as I said to Senator Eggleton, we have the budget coming up and the government is considering many initiatives. I would simply ask the honourable senator to be patient.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PLEBISCITE ON MARKETING OF BARLEY

Hon. Lorna Milne: Honourable senators, last Thursday the Leader of the Government in the Senate responded to a question that I posed on the questionable language used in the upcoming barley producers plebiscite by stating that Minister Strahl decided to ask his officials in the accounting firm KPMG, to explain the language it used on the ballot. However, it seems the minister was only concerned with the plebiscite requiring barley producers to list the tonnage and acreage of the barley sown over the last five years. This had nothing to do with the question I posed in this chamber on February 1.

I ask the Leader of the Government in the Senate the following question again because I am quite certain that she did not intend to mislead this chamber.

On January 22, Minister Strahl announced the ballot question. The question allows voters the choice to either: A, retain the single desk for the marketing of barley; B, remove the Wheat Board from the marketing of barley entirely; or C, allow producers to market their barley to the Canadian Wheat Board or other buyers.

Critics of the plebiscite question as written have used descriptive terms such as “bizarre,” “incompetent” and “diabolical” when describing the choice of wording approved by Minister Strahl.

The option openly preferred by this government allowing producers to market their barley to the Canadian Wheat Board or other buyers happens to be written in the first person singular while the other plebiscite questions are not. Skewed wording always produces skewed results.

Quite simply, this is not a fair and honest question for Canadian barley producers. Is this the best the Department of Agriculture and Agri-Food can do, given the political pressure applied by Minister Strahl to push the government's agenda on to Canadian barley producers?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to thank Senator Milne for that question. She was quite right about the question last week. I was focusing on the delay on the vote that was taking place and the changes to the producer declaration form. It has been delayed a week.

I have had a look at the ballot choices and I think the ballot choices are clear. I do not see anything bizarre. The choices are: The Canadian Wheat Board; not the Canadian Wheat Board; or a marketing choice. I do not see how you could describe those questions as bizarre. As Senator Milne remarked, questions on a ballot can skew the vote. However, I was raised on a farm and I am quite sure those barley producers out West are pretty clear on how they will vote. I think it would be an insult to them to suggest that they could not figure out the three questions on the ballot.

Senator Milne: Honourable senators, since the Minister of Agriculture and Agri-Food has already admitted making an estimated \$12,000 mistake regarding the composition of this plebiscite, I want to know if the Leader of the Government in the Senate will bring this concern to his attention. Perhaps he needs to be shown that there is more than one mistake in the drafting of this plebiscite, regardless of the leader's opinion on whether farmers can figure it out or not. I am sure that the minister would not want to make a mockery of this important exercise.

As politicians, we know how important it is that a clear question be asked in any plebiscite. Also, since this initial misprint will cost the Department of Agriculture and Agri-Food \$12,000 for a new plebiscite package, I want to know if this money will come out of the programs that are being used to assist Canadian farmers.

Senator LeBreton: I thank Senator Milne for that question. Minister Strahl is a very conscientious, hard-working minister. I will simply point out to him the premise of the honourable senator's question. I certainly will also point out to the minister that I do not agree with the premise.

• (1445)

As the Prime Minister announced today in his speech, with regard to the whole agricultural industry, we intend to make special new efforts to assist farmers.

Going back to the barley producers, we have not changed the question or our intentions. We are doing what we committed to do in the last election, and that is to provide marketing choice for our barley and wheat producers. We do not think Western farmers should be thrown in jail or penalized for selling their product direct to market.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table two responses to oral questions raised in the Senate by Senator Rompkey, on October 31, 2006, regarding the Workplace Equity Office, closure of services in Atlantic region, and by Senator Grafstein, on October 31, and on November 8, 2006, regarding the increase of minimum wage in federal jurisdiction.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

WORKPLACE EQUITY OFFICE— CLOSURE OF SERVICES IN ATLANTIC REGION

(Response to question raised by Hon. William Rompkey on October 31, 2006)

There is not, and never has been, a plan to reduce the number of officers providing employment equity services in Canada.

Newfoundland and Labrador will continue to have a local employment equity contact person, as will New Brunswick and Nova Scotia. Employment equity services for Prince Edward Island will continue to be delivered by the New Brunswick regional office.

No one will lose his or her job.

INCREASE IN MINIMUM WAGE IN FEDERAL JURISDICTION—INCREASE IN MINIMUM WAGE

(Response to question raised by Hon. Jeremiah S. Grafstein on October 31, 2006 and November 8, 2006)

Question: Would the federal government, in an act of leadership, re-establish a federal minimum wage — specifically, a federal minimum wage of \$10 per hour — for adult workers in federal jurisdictions, to help those hard-working Canadian families to work their way across the poverty line? Will the government act as a leader, in the hope that the provincial governments might follow?

Answer: As Senator Grafstein knows, Professor Harry Arthurs has just completed the first comprehensive study of Part III (Labour Standards) of the *Canada Labour Code* in some 40 years. He submitted his final report and recommendations to the Minister of Labour on October 30, 2006. In his report, Professor Arthurs did make a recommendation that the federal government examine its role with respect to the minimum wage.

The Minister of Labour has undertaken to consult with employers, unions and employees in the federal jurisdiction on the recommendations. A course of action will be determined after the conclusion of these discussions.

Question: Could the government leader table in the Senate any economic studies that would allow us to determine whether an increase in the minimum wage across Canada would, in any way, enhance the economy or work against the economy?

Answer: There is a wide range of studies on the minimum wage issue. We are pleased to suggest a few of the more relevant ones.

STUDIES AND REFERENCES

1. Gunderson, Morley (2005). *Minimum Wages in Canada: Theory, Evidence and Policy*. Paper Prepared for the Federal Labour Standards Review Commission.
<http://www.fl-s-ntf.gc.ca/>

This paper, conducted for the purposes of Professor Arthurs' review of Part III of the Code, suggests, on the basis of an extensive literature review, that a 10 per cent increase in the minimum wage may have a 1-3 per cent negative effect on employment among teenagers and young workers (generally under 25). Gunderson focuses primarily on the effect on minimum wages on teen employment. More generally, this review further suggests that recent research on the employment effects of minimum wages since the 1990s is mixed. Some studies suggest a negative effect on employment, while others find no measurable impact.

2. Statistics Canada (2004). *Federal Jurisdiction Workplace Survey*.
<http://www.statcan.ca/>

The Federal Jurisdiction Workplace Survey found that fewer than 600 workers, or less than .07 per cent of the federal jurisdiction workforce covered by the minimum wage provisions of the *Canada Labour Code*, earn the minimum wage. Close to 9,800 earn less than \$8.50 per hour, while roughly 18,300 earn under \$10.00 an hour.

3. Fortin and Lemieux (2000). "Income Redistribution in Canada: Minimum Wages versus Other Policy Instruments", *Adapting Public Policy to a Labour Market in Transition*. (Eds.) W.C. Riddell and F. St.-Hilaire. Institute for Research on Public Policy.

In Canada, Fortin and Lemieux find that individuals in the lower half of the distribution of family income (adjusted for family size) account for nearly 70 per cent of the earnings of all minimum wage workers in Canada. This suggests that increasing the minimum wage would have a progressive effect on income distribution.

4. Saunders, Ron (2006). *Risk and Opportunity: Creating Options for Vulnerable Workers*. Canadian Policy Research Networks.
<http://www.cprn.org/en/doc.cfm?doc=1371>

The main argument levied against minimum wage increases is that doing so results in job loss, especially among low-skill workers. However, in labour markets where employers are large enough to influence market wages, the theoretical outcome of job loss is not as clear cut as the neo-classical economic approach

implies. If minimum wage increases are implemented gradually, the reduction in employment opportunities appears to be low and would tend to be concentrated among teenage workers.

Recent studies find that minimum wage increases can have a statistically significant negative effect on teenage employment (a 10 per cent increase in the minimum wage has been found to affect teenage employment in the 1 per cent to 4 per cent range, depending on the study). This disemployment has also been found to affect youth between the ages of 20 to 24, though to a lesser extent. Among adults, many studies — including those by the OECD — find that minimum wage increases have virtually no statistically significant effect on adult employment rates.

5. OECD (1998). "Making the Most of the Minimum Wage: Statutory Minimum Wages, Employment and Poverty," Employment Outlook.

This study reports that minimum wage increases do result in wage increases for low-paid workers who are directly affected, and also may affect other low earners who may experience wage increases via a spillover effect (cited by Saunders, 2006).

This same study examined 9 countries during the 1975 to 1996 period and concluded that:

First (...) a rise in the minimum wage has a negative effect on teenage employment. Secondly, negative employment effects for young adults are generally close to zero or insignificantly different from zero. Thirdly, for prime-age adults, the most plausible specifications suggest that minimum wages have no impact on their employment outcomes (Cited in Gunderson, 2005).

6. Edagbami, Olalekan (2006). *The Employment Effects of the Minimum Wage: A review of the literature*. Canadian Policy Research Networks.
<http://www.cprn.org/en/doc.cfm?doc=1410>

A recent CPRN literature review examining the effect of the minimum wage comes to similar conclusions. It suggests that a 10 per cent increase in the minimum wage may have a 1.4 per cent to 3.7 per cent negative impact on teenage and youth employment (those under age 25). The CPRN review concludes:

The minimum wage is generally harmful to teenage, and to a large extent, youth employment. There is little or no negative employment effect for adults ages 25 and above.

7. Gouvernement du Québec (2002). *Rapport Du Comité Interministériel Sur La Révision Des Critères De Détermination Du Salaire Minimum*.

Full doc (French only):
http://www.travail.gouv.qc.ca/actualite/revision_salaire_minimum/rapport_complet.pdf

Exec summary (English):

http://www.travail.gouv.qc.ca/actualite/revision_salaire_minimum/summary2.pdf

A similar conclusion that minimum wages tend to affect only young workers (under the age of 24) was also reached by the Interdepartmental Committee Concerning the Review of the Criteria to Determine the Minimum Wage.

SCOUTS CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION—MESSAGE FROM COMMONS

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons returning Bill S-1001, respecting Scouts Canada, and acquainting the Senate that they had passed this bill without amendment.

[English]

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Serge Joyal: Honourable senators, it is a privilege to have an opportunity this afternoon to reflect on the substantive nature of Bill S-4 and, especially and mainly, on its constitutional implications.

I will address my remarks to honourable senators on the aspect of the powers of the Parliament of Canada to enact such a bill, which is referred to in the preamble to Bill S-4, in the fifth "whereas," which reads:

WHEREAS, by virtue of section 44 of the *Constitution Act, 1982*, Parliament may make laws to amend the Constitution of Canada in relation to the Senate;

Before I address honourable senators on the scope of section 44 of the Constitution Act, I want to make some general comments on the appropriateness of that bill.

First, we were told by the government spokesperson on the bill that the bill intended "to refresh and bring new ideas into the Senate" and that "the Senate becomes a more vibrant chamber, fuelled by new ideas and experiences" by a more rapid turnover.

That seems to be the objective of the government initiative. I was tempted to conclude in reading it that this spin is because the bill has no constitutional substance. If we are to change anything meaningful in the Senate, the Senate being the federal chamber, the House that embodies the federal principle, that is, the protection of minority rights and the spokesperson for regional or sectional interests, any important changes to the Senate should aim to address those objectives — the functioning of the Senate in discharging its constitutional duty to protect the regional and sectional interests and the minority interests.

The government introduced that bill suddenly. There was no study or white paper; there was no discussion of substance as to why to proceed with that priority of tenure. It is surprising, honourable senators, because I had an opportunity to review the actions of the House of Lords at Westminster when the Labour government of Prime Minister Tony Blair decided to address the matter of reform of the House of Lords. First, they appointed a royal commission in 1998 and the first item they wanted to address was the powers and the functions of the House of Lords. Once that was done, they determined the composition of the House of Lords. It was not done the other way around.

• (1450)

The British government prepared three more white papers on the reform of the House of Lords following the report of the Wakeham commission in 2000. There have been three white papers since 1999. Last week the Leader of the Government in the House of Lords announced that the government will publish a white paper next week in which it will pronounce on the tenure of the Lords who will be elected for a period of 15 years. I would advise any senators who still have an interest on the comparative analysis of this chamber to that of the House of Lords to read that white paper, the fourth one in less than six years, prepared by the British government.

I have counted 12 reports of the House of Lords and the House of Commons in Westminster that address one aspect or another of reform of the House of Lords. A substantial effort has been made at Westminster to reflect and think before the government legislates.

In Canada, we are addressing the issue differently. The government introduced Bill S-4 in the Senate and Bill C-43 in the other place. However, the first issue that should have been addressed is the power and the function of the Senate. The government made an announcement on January 10, 2007, less than three weeks ago. The *Chronicle Herald* in Halifax noted that the government has laid out a public tender not to exceed \$900,000 to study the “electoral system”, “the political parties,” “the House of Commons” and “the Senate, e.g. the role it should play and the powers that it should possess.”

The article goes on to say, “The tender calls for a private think-tank to join forces with a polling firm to canvass a cross-section of Canadians. . . .”

Senator Fraser: Shame.

Senator Joyal: Honourable senators, if we are to address the composition of this chamber and the appointment process, the first question we should ask is whether we should change the power and role of the Senate. We will not know the results

of the public consultations before the end of May when the private firm, or think-tank, will issue its report.

The government is pressing the Senate to study Bill S-4 but, at the very least, we should have the benefit of the report if we are to take a rational, comprehensive and coherent approach in the review of the role of this chamber.

Before attacking my main issue, I will speak to the turnover in the Senate. A kind of easy-going caricature has been expressed, that senators are appointed for 45 years. The Constitution provides that a candidate cannot be called upon by the Governor General to sit in this chamber until he or she is 30 years old, so, of course, the maximum tenure is 45 years.

I want to examine the statistics on the distribution of such numbers throughout the history of the 140-year-old Senate. Professor Gerald Baier, from the MacMillan Centre for International and Area Studies at Yale University, testified before the Special Senate Committee on Senate Reform in its consideration of Bill S-4. Professor Baier stated:

The spectre of the 45-year senator is a bit of canard. I think in the history of the Senate and of the 875 Canadians who have served in this body, only one from 1885 to 1933 served 45 years or more.

I repeat: one in 140 years. Will this be the argument for changing the tenure of senators?

Professor Baier continued:

If you expand that scope of tenure to 35 years or more, 28 senators have served that amount of time, all appointed before the restrictions on tenure passed in 1965, and those who served for life. Among senators appointed after 1965, only eight served 30 years or more and only one of them is presently in the Senate, although not in the room at the moment, that being Senator Austin.

Out of 875 senators in total, only 59 have served more than 30 years. I do not think the danger of long-serving senators alone is sufficient reason enough for a limitation.

Honourable senators, I compared the ages in this chamber with that of the American Senate, the inspiration for the Triple-E Senate. Allow me to present some figures from that comparison. Four senators have sat in the U.S. Senate for more than 40 years, the best-known of those being Senator Bird, who has sat for 48 years. Currently, seven senators have sat for more than 30 years and five senators for more than 25 years in the U.S. Senate. If that does not describe a Senate full of old cronies, I wonder what does.

Let us compare those numbers to numbers in this chamber. The Senate has one senator who has served for more than 30 years, and he identified himself earlier. Three senators have served between 25 and 29 years and 10 senators have served between 20 and 24 years.

Honourable senators, in less than four years, 30 per cent of senators in this chamber will have changed. Currently, there are 11 vacancies. There will be one more vacancy later this year, four next year and 12 in 2009. In less than four years, 30 per cent of the numbers in this chamber will have turned over.

What do we want to accomplish by establishing a revolving door? We can make the comparison of the turnover in our chamber to the slate of eight in the U.S. Senate. Honourable senators, let us be serious when this house is accused of not having the kind of regular and gradual turnover that is built into the appointment process.

The issue of tenure and turnover are not what I want to discuss this afternoon. I want to address the simpler question but I did want to bring that to the attention of Senator Tkachuk so that the honourable senator will think about what will be created by changing the tenure of senators. It is not as good as apple pie or motherhood. It will have a major impact on the functioning of this chamber.

Honourable senators, allow me to address the fundamental question: Do we, the House of Commons and the Senate as a Parliament, have the power to change the tenure of senators? Yes or no?

Senator Tkachuk: Yes.

Some Hon. Senators: No.

Some Hon. Senators: Yes.

Senator Joyal: The answer, honourable senators, is given by the Supreme Court of Canada.

Senator Stratton: Who governs this country?

Senator Joyal: Let me tell honourable senators, although they might not like it, what the Supreme Court of Canada said about that in 1980 and how the Supreme Court of Canada has interpreted the Constitution.

Senator Segal: Mike Pearson had a view.

Senator Joyal: The Supreme Court said:

At present, a senator, when appointed, has tenure until he attains the age of seventy-five. At some point, a reduction of the term of office might impair the functioning of the Senate in providing what Sir John A. Macdonald described as "the sober second thought in legislation." The Act contemplated a constitution similar in principle to that of the United Kingdom, where members of the House of Lords hold office for life. The imposition of compulsory retirement at age seventy-five did not change the essential character of the Senate. However, to answer this question, we need to know what change of tenure is proposed.

The Supreme Court left the question open because, when it was asked to report, there was no specific limit proposed to the court for its consideration. The court said, come back to us with a number and we will tell you if you are entitled to do it.

• (1500)

I hear the Honourable Senator Tkachuk saying no to that decision of the Supreme Court. Well, I will tell my honourable friend that I have reviewed nine scholars, experts, law specialists and law professors who have reviewed the scope of section 44 since its enactment in 1980. I will name them: Peter Hogg in 1980; Professor Ronald Cheffins from the University of Victoria;

Stephen Scott from McGill University; Peter Meekison, who was Deputy Minister of Intergovernmental Affairs for the Government of Alberta in 1980; Professors Henri Brun and Guy Tremblay from Laval University in 1990; Professor Benoit Pelletier in 1996; James Ross Hurley in 1996; Warren Newman; and former Honourable Senator Gerald Beaudoin. All of them will say that the decision of the Supreme Court in 1980 is still valid today in interpreting and defining the scope of section 44.

Honourable senators, there are two elements to the scope of section 44. The first is that a change which merely affects the fundamental features and characteristics of the Senate in certain respects is beyond section 44. The second is that a change which impairs the functioning of the Senate as the provider of sober second thought in legislation is also beyond the reach of an amendment under section 44. In other words there are two tests. If we effect one of these essential characteristics of this chamber, it is beyond our capacity, and if we impair this chamber in exercising independent sober second thought, it is beyond section 44.

Honourable senators, I do not provide that scope for your reflection; rather, those are the compilations of all the authors who wrote on the subject before Bill S-4 was introduced in this chamber.

I understand that I am short of time, and I would request five more minutes.

Hon. Senators: Agreed.

Senator Joyal: Thank you, honourable senators.

When we look into the discussion of this issue, it is quite clear that if we bring the tenure to eight years, this chamber will change in one of its fundamental characteristics. Change in this chamber was to be gradual and continuous, not done by a group of senators or a group of MPs in the other place through an election.

What would have happened in the past had we had tenure for eight years? I will refer to the testimony of Gordon Gibson, a researcher with the Fraser Institute, who testified before the Special Committee on Senate Reform on September 20:

In the past 100 years, prime ministers in power for eight years and longer would include Messrs. Chrétien, Mulroney, Trudeau, St. Laurent, King and Laurier, for a total of 76 of those 100 years. Borden and Diefenbaker would have appointed three-quarters of the Senate; Mr. Pearson, in five years, 60 per cent and so on. The unthinkable would have been commonplace had Bill S-4 been an element of the original Constitution of the country.

In other words, if a Prime Minister is elected for two terms spanning eight years, according to the letter of Bill S-4, he would have appointed the full chamber. It is a daily temptation for the Prime Minister to control his caucus.

I see Senator Comeau making remarks. We have difficulties in both places selecting the chairperson of a committee. Imagine a Prime Minister who has the capacity to totally control this place. There will not be an element of balance, that is, a group of senators who are not under the total control or whim of the Prime Minister.

[Senator Joyal]

I think, honourable senators, that this house would not be in a position to exercise the independence we need to consider legislation. Moreover, this house would not have an element of "built in" continuity because we could not rely on a minority of long-serving senators in the institution.

If senators are appointed for eight years, what will happen in terms of the age slate in this place? It will not be a place built on a majority, on experience.

Honourable senators, look at yourselves individually and what you represent. Suppose you were here for eight years and you were appointed any time after 30 years of age. There would be a different chemistry of thinking and of acting.

If we are to change this place and make it comparative to the other place, I will tell you what will happen. I looked into the 695 special reports of the committees in the other place in the last 25 years. I reviewed their general trend and compared them with our 253 reports in the same period. I can say that our own reports have a broader perspective, analyze different options of new policies, and provides a more in-depth study of issues where consensus needs to be built before the government chooses a definitive approach. In the other chamber, issues are canvassed more on the management side than on the very nature of the policy and its impact on the long term.

If we change the nature of the tenure, we will put into motion a different regime than what we have known. If the Government of Canada wants to do that, government has one thing to do, which is to obtain the concurrence of the provinces. That is the way the Constitution functions. The Senate is not a house controlled by Parliament; it is a federal house.

Honourable senators, if we are to move forward on this issue, we should refer this bill to the Supreme Court so that we know that we are doing the right thing at the right moment.

Hon. Leonard J. Gustafson: Will the honourable senator take a question?

The Hon. the Speaker pro tempore: I understand that the honourable senator's time has expired.

Senator Joyal: I would ask for five more minutes. I am in the hands of the chamber.

Hon. Tommy Banks: I move that Senator Joyal be given time to answer questions.

The Hon. the Speaker pro tempore: I am sorry, but I am advised that I cannot put that motion. The senator's time is finished.

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I move adjournment in the name of Senator Furey, who could not be here today, but would like to speak on this important issue at a later sitting.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Hervieux-Payette, seconded by Senator Tardif, that further debate be adjourned to the next sitting of the Senate, in the name of Senator Furey.

[English]

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I believe the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Have the whips come to an agreement on time?

The bells will ring for one hour. Call in the senators.

• (1610)

Motion agreed to and debate adjourned on the following division:

YEAS THE HONOURABLE SENATORS

Atkins
Austin
Bacon
Baker
Banks
Biron
Bryden
Carstairs
Chaput
Cook
Corbin
Cordy
Cowan
Dawson
Day
De Bané
Downe
Dyck
Fairbairn
Fox
Fraser

Gill
Harb
Hays
Hervieux-Payette
Hubley
Joyal
Lovelace Nicholas
Mahovlich
Merchant
Milne
Munson
Phalen
Poulin
Poy
Ringette
Robichaud
Rompkey
Spivak
Stollery
Tardif
Trenholme Counsell—42

NAYS
THE HONOURABLE SENATORS

Andreychuk
Carney
Cochrane
Comeau
Di Nino
Gustafson
Keon
LeBreton

Meighen
Nolin
Oliver
Segal
St. Germain
Stratton
Tkachuk—15

ABSTENTIONS
THE HONOURABLE SENATORS

Cools—1

INCOME TAX ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-215, to amend the Income Tax Act in order to provide tax relief.—(*Honourable Senator Fraser*)

Hon. Donald H. Oliver: Honourable senators, a little more than a year ago, the Liberals offered one version of tax relief, a version that offered nothing to the one third of Canadians who do not have a taxable income. We, the current government, offered a different version, promising to cut the GST to ensure that all Canadians benefit from tax relief. Unlike the Liberals, who broke their promise to do something about the GST—that is, to axe the tax—we delivered on our promise to reduce the GST. As a result, Canadians this year and next will save \$9 billion at the checkout counter.

Our platform was clear, that we were offering a GST cut of a full percentage point and other tax relief measures in place of a reduction in the lowest marginal tax rate, not in addition to it. Nothing was hidden.

In fact, the tax relief offered in our first budget went beyond what we had promised, as we implemented a more generous version of our original tax proposals.

For example, while we originally said the lowest marginal rate would remain at the status quo—16 per cent—last year's budget announced a rate of 15.5 per cent. We brought in an employment tax credit to recognize the costs faced by working Canadians.

As for the basic personal amount, the temporary increase in Senator Austin's bill is a bit of a shell game as it does not change the provisions of the existing Income Tax Act that tie the calculation of credits to the lowest marginal rate. Thus, his bill would indirectly reduce the value of the basic personal amount to 15 per cent of the creditable amount from the 15.5 per cent rate proposed in the budget.

When you do the math, Senator Austin's bill has a minimal impact on the basic personal amount in the short term and permanently reduces the value of that credit in the long term.

While I presume that this result was not his intent, it has been made clear to me that a consequential effect of his bill will be to reduce the tax savings from the age credit, the pension income credit, the disability credit, the medical expenses credit and the tuition tax credit.

A small handful of Canadians with extremely high medical or tuition expenses may actually find themselves paying more taxes as a result of his bill because those credits will be devalued by half a percentage point.

Honourable senators, the last budget of the new government delivered a total of 29 tax cuts. We promised a cut in the GST and we delivered. We promised a transit tax credit and we delivered. We promised a fitness credit for children and we delivered. We promised an apprentice tax credit and we delivered. We promised tax relief for tools and we delivered. We promised a textbook tax credit and we delivered. We promised to exempt scholarship and bursary income from taxation and we delivered. We promised to increase the pension income credit. We not only delivered but we also allowed pension income to be split for tax purposes. We promised to reduce the small business tax rate and we delivered.

• (1620)

Senator Austin is suggesting that Parliament cherry-pick between the Liberal and Conservative platforms from the last election. If Canadians wanted the Liberal platform, they would have voted Liberal.

The last thing this government wants to do is to become yet another tax-and-spend Liberal government that promises everything and delivers nothing. We did not imitate the Liberals when we kept our promise to cut the GST. We did not imitate the Liberals when, after 12 years of broken child care promises, we gave parents choice in child care with a universal child care benefit. We did not imitate the Liberals when we replaced Liberal talk with practical actions to clean up Canada's air, land and water. We did not imitate the Liberals when we moved to clean up the Liberal mess by passing the Federal Accountability Act, the toughest anti-corruption law in Canadian history. We did not imitate the Liberals when we reversed the Liberals' soft-on-crime approach by introducing tough new laws to crack down on crime, and we did not imitate the Liberals when we supported our brave men and women in uniform by rebuilding the Canadian Forces.

Instead of running a government for the benefit of insiders and special interests, Canada's new government is getting things done for all Canadians.

While much has been accomplished, there is still more to do. In the months ahead, this government will cut taxes even further for families and individuals, restore fiscal balance to our federation, continue to provide full support for our brave troops, diplomats and aid workers engaged in our vital mission in Afghanistan and continue moving forward on practical, realistic and achievable strategies for protecting the environment.

Honourable senators, the Liberals want to turn back the clock. We believe that the time has come to look forward, and, for that reason, I recommend we not proceed with this bill.

On motion of Senator Tardif, debate adjourned.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gerard A. Phalen moved second reading of Bill S-222, to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Phalen*)

He said: Honourable senators, I rise today to introduce Bill S-222, to amend the Immigration and Refugee Protection Act, and to enact certain other measures to provide assistance and protection to victims of human trafficking.

In 2005, the government introduced, and this chamber passed, Bill C-49, an Act to Amend the Criminal Code, Trafficking in Persons. That legislation was a necessary first step in Canada's effort to meet its obligation under the protocol to prevent, suppress and punish trafficking in persons, especially women and children. This international protocol was adopted by the United Nations General Assembly in 2000 and ratified by 117 countries, including Canada, who signed it on in May of 2002.

One primary goal of the protocol is to maintain a careful balance between law enforcement and victim protection. Accordingly, the protocol specified that any individual exploited through trafficking is to be considered a victim of trafficking and not a criminal.

Article 6 of the protocol ensures that domestic, legal and administrative systems provide victims with physical and psychological recovery, including housing, counselling, legal, medical and material assistance as well as employment, education and training opportunities.

Article 7 of the protocol deals with immigration and holds that signatory countries must consider laws that would allow trafficking victims to remain in the country either temporarily or permanently.

Unfortunately, Canada has taken only that first step, and in the last four years since we signed the protocol, Canada has done virtually nothing at the federal level to provide a safe and secure environment for victims. We are talking about anywhere from 800 to 16,000 victims in Canada. In fact, a recently published study on human trafficking by the Future Group, a Canadian-based non-governmental organization dedicated to combating human trafficking and the child sex trade, gave Canada an F for its abysmal record of treating victims. Eight countries were rated by the Future Group study. The results ran from a B-plus for the United States to a B for each of Australia, Norway and Sweden to a B-minus for Germany and Italy and a D for the U.K. Canada was the only country of the eight to receive an F. Their report said the following:

Canada's record of dealing with trafficking victims is an international embarrassment . . . Canada has ignored calls for reform and continues to re-traumatize trafficking victims, with few exceptions, by subjecting them to routine deportation and fails to provide even basic support services.

The Future Group is not the only organization criticizing Canada's inaction on its treatment of victims of trafficking. In December 2005, the United Nations Working Group on Arbitrary Detention criticized Canada for its detention policies, commenting that those people held in immigration detention often must pay a cash bond for their release, yet victims of trafficking often lack the connections or financial resources necessary to obtain such a release. Trafficking victims are thereby victimized once again.

For these reasons, I believe that the next step we need to take is Bill S-222. This bill was developed after looking at the practices in other developed countries, such as Australia, Germany, Italy, Norway, Sweden and the United States. Each of these countries has a system in place to provide for temporary or permanent residency for victims; to provide support for physical, psychological and social recovery of victims; and to enable the investigation of trafficking.

After looking at the variety of systems in other developed countries, I decided to base this bill on the T-Visas program in the United States, which is designed to ensure that victims of trafficking who are able and willing to assist law enforcement with the prosecution of these slave traders can access the assistance that they need to break away from their traffickers.

In 2001-02, the United States T-Visas system resulted in the issuance of 136 T-Visas to victims of trafficking. It enabled them to remain in the country for up to three years, and it also resulted in 350 trafficking victims being given access to federal and state services, including employment authorization, housing and medical care.

The first part of Bill S-222 deals with the necessary changes to the Immigration and Refugee Protection Act. In 1997, the RCMP announced that they had smashed a sex trafficking and human smuggling ring in Toronto. At the time, the RCMP painted a stark portrait of Thai and Malaysian women sold into slavery for prices ranging from \$7,500 to \$15,000 and then forced to work off their debts, totalling \$35,000 to \$40,000, through prostitution. The women's freedom was severely restricted. They had little food or access to medical care. Nevertheless, these unfortunate souls were arrested and charged with prostitution-related offences along with their traffickers. If that was not enough, they were even portrayed in the press as willing sex workers.

One columnist in the *Toronto Star* wrote the following:

Sex slaves, my fanny. Indentured sex trade workers, yes. Exploited concubines, possibly. Self-conscripted whores, apparently.

As these victims emerged from the glare of publicity, they then had to deal with finding food and shelter as well as dealing with their legal difficulties. One of them recalled:

I was afraid and worried about how long they were going to put me in jail. I thought it might be forever. . . . I had no money and didn't know anybody. I did not even know the street names or directions. I had lived with friends who used to work at the massage parlour. . . . I just lived day to day.

Seven months later, two of the victims flew back to Thailand and were promptly arrested at the airport. They were charged with travelling on false passports and failing to cooperate with the Thai Embassy's investigation here in Canada.

• (1630)

In 1998, the RCMP and the Toronto area police forces' Project Trade targeted five people alleged to be brokers or agents involved in selling women's services to brothel owners, who in turn required that each woman service up to 500 customers before they were allowed to keep a percentage of their earnings.

The story of one of the victims of trafficking who was caught up in Project Trade was documented for the Status of Women Canada in a document prepared by the Toronto Network Against Trafficking in Women. This young Thai woman was arrested along with 67 others. She was kept in jail on prostitution charges for two months and a further two months on immigration charges.

The irony of this situation, and clearly why we need this new legislation, is that when finally released this woman found that she owed her trafficker a further \$4,000 for legal and bail fees because the only person she knew in Canada, and therefore the person she asked for help, was indeed her trafficker.

Honourable senators, these cases clearly demonstrate the horrific situation in which these persons find themselves. If you were in their shoes, would you come forward and assist law enforcement to ensure your traffickers were prosecuted? If you were arrested for prostitution, did not speak English, did not know anyone in Canada except your traffickers, had no way to earn a living and were likely to be deported back to your home country, would you be anxious to help prosecute your traffickers? The RCMP estimates that only 1 in 10 victims of trafficking report the crime.

Fortunately, there have been some improvements in the system. In March of 2006, we learned about a pilot program of the RCMP and the B.C. Public Safety Ministry called the Care and Protection Program. This initiative will see victims of trafficking who have been identified by the police as potential witnesses being assisted with access to health care, psychiatric care, legal assistance and other help.

Honourable senators, I cannot tell you how pleased I was to read about this pilot project, and I believe we need to give our law enforcement officials, all across Canada, all the tools necessary to help these victims. I believe this bill will help all Canadian law enforcement officials assure potential witnesses that they can remain in Canada for the duration of the prosecution and beyond, and that they will have access to all the necessary social services.

I was pleased to read this past May that the Minister of Citizenship and Immigration announced 120-day temporary resident permits for victims of trafficking. I believe that this is a good first step. However, I must point out that Statistics Canada

2004 figures show that the average length of time it takes for crimes against persons to be tried in superior court in Canada is 367 days. We therefore need a much longer and more comprehensive immigration and support system to assist these victims and to ensure their participation in the prosecution of their human traffickers.

Honourable senators, in October of 2005, I spoke in this chamber in support of Bill C-49. At that time, I said we needed a victim-centred approach and that it was my hope that the good work of Bill C-49 would be continued and that we would soon see legislation similar to the U.S. Trafficking Victims Protection Act. That was 15 months ago, and I see no sign of any victim protection legislation coming forward.

Honourable senators, that is why I seek your support for this bill. It puts in place a system for what we are calling victim protection permits. These permits will allow a foreign national to remain in Canada as a temporary resident for an initial 120-day reflection period, and then if they qualify, for up to three years. In order to qualify for such a permit, these persons must be or have been victims of human trafficking; and they must assist in the investigation and prosecution of their traffickers; and there must be a significant possibility that they or members of their family would suffer hardship, retribution or harm if they were removed from Canada.

If a victim of trafficking meets the conditions for a victim protection permit, it would deem that person to have the status of a permanent resident for the purpose of eligibility for medical and social programs. It would also provide authorization to work in Canada and allow the permit holder to apply for permanent residency at the end of the three-year period.

I believe these changes to the Immigration and Refugee Protection Act will ensure that victims of trafficking who are willing to assist law enforcement with the arrest and prosecution of their traffickers will be able to remain in the country and access a full range of necessary social services.

Honourable senators, this legislation deals with the immigration status of victims of trafficking, but it does not stop there. Part 2 of this legislation, also borrowing some ideas from the U.S. and the Norwegian models, provides for the establishment and operation of a national, multilingual, toll-free help telephone hotline operated by the Department of Health to provide an information and referral service for victims of trafficking. The idea behind this hotline is that these poor victims come from backgrounds where people mistrust law enforcement officials. If we are to have any hope that victims will come forward, we must provide avenues, such as this hotline, that they would see as safe, and we must publicize the hotline's availability throughout the country and in the appropriate languages.

This legislation further mandates the appointment and training of persons in the Department of Health to provide counselling and assistance to victims of trafficking. These specially trained workers would develop networks of law enforcement, immigration and social service providers specializing in services to victims of trafficking and walk the victims through these networks of assistance.

The final item in this legislation is a public awareness campaign. This campaign would inform people about the changes to the immigration laws and the availability of the hotline and the specially trained contact people in the Department of Health. The campaign would target people like workers in women's shelters, clergy, food bank workers and the many other front line social service providers.

Honourable senators, imagine if you can the difficulty faced by someone like a worker in a women's shelter faced with encouraging some poor victim of trafficking to go to the police knowing she might be charged with criminal activity herself and in a few months she might be deported.

I believe these community-based people are the ones to whom victims would first turn, and we have to educate these people on the changes to the immigration laws and the services available to victims of trafficking if we are to have any hope that they would encourage such victims to report their traffickers.

Honourable senators, to put this legislation in a nutshell, my belief is that with this legislation a victim of trafficking could contact a front line community worker or could call the toll free hotline directly and speak to someone in their own language who would then put them in touch with workers from the Department of Health. This specially trained worker would arrange such things as meetings with the correct police officer in the city, contact with immigration officials and lawyers, health and social service benefits, et cetera. Victims willing to assist law enforcement would be granted special victim protection permits to allow them to remain in Canada while they assist law enforcement with the prosecution of their traffickers, and eventually they would qualify to apply to be landed immigrants.

I would like to leave you, honourable senators, with a quote from Victor Malarek's now famous book, *The Natashas*, on the subject of human trafficking. He said:

Breaking this atrocious form of sexual exploitation must be a moral, legal and political imperative. . . . Trafficking of women for sexual exploitation is a crime against humanity. It shames us all.

Victor Malarek is right, honourable senators, and I believe that passing this legislation will be another step in Canada's protection of victims of trafficking and the prosecution of their human traffickers.

• (1640)

Hon. Jane Cordy: Honourable senators, I would like to thank Senator Phalen for bringing this important issue to the chamber, for the information he provided, and for the work he did in bringing this bill forward.

We must realize that we cannot blame only the originating countries for trafficking. Countries through which the people who are being trafficked travel have to take responsibility, as do receiving countries like Canada, for helping victims of this crime. Senator Phalen spoke of some of the horrific situations that victims find themselves in once they arrive in the countries to which they are sent. I heard at a conference that people are now

trafficked more than arms. Trafficking of drugs is the most common, trafficking of people is next, and trafficking of arms is third.

Senator Phalen said that one in 10 victims report their situation. Does the honourable senator have any information on how many victims of trafficking are arriving in Canada?

Senator Phalen: The RCMP claim that 800 people a year are trafficked. NGOs claim that the number is up to 16,000 each year. I do not know the correct figure, but I believe that the NGOs would have a more accurate count, because it is to them that these people are going.

Hon. Wilfred P. Moore: I move the adjournment of the debate in the name of Senator Jaffer.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I thought that the practice of adjourning debate in the name of other senators was not usual. Senator Jaffer is not here. If we have gone back to the practice of adjourning in another senator's name, we will let it go, but it was my impression that we were no longer doing that.

The Hon. the Speaker pro tempore: This is not the first time we followed this procedure today.

Senator Moore: I have never heard of a rule prohibiting the procedure. Are we making rules up as we go?

Senator Comeau: Senator Moore and I have raised good points. There is a difference of opinion. Perhaps we could ask the Speaker to rule on whether the rules provide that we can adjourn debate in the name of another senator. If that senator is away for a few months or a year or two, or whatever, we can address the matter then. I think we can leave it to the Speaker to decide whether the rules do provide for us to adjourn debate in someone else's name.

Senator Phalen: My understanding is that Senator Jaffer will be absent this week but will be here next week.

Hon. Terry Stratton: From my years of experience in this chamber I can say that there is no evidence that Senator Jaffer would allow this item to stand adjourned in her name. She is not in attendance at this moment and that precludes us from adjourning the debate in her name.

Hon. Lorna Milne: I believe that if Senator Jaffer were here, Senator Moore would not be able to move the adjournment in her name. The *Rules of the Senate* are quite clear that this is common practice. It is used weekly, if not daily. In my 10 years here, this is the first time I have ever heard reference to a rule prohibiting it, and such a rule simply does not exist.

The Hon. the Speaker pro tempore: I thank the honourable senators for their interventions. I will look into what our rules provide for and how often this practice has been used.

In the meantime, I will accept Senator Moore's motion.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Moore, for Senator Jaffer, debate adjourned.

POINT OF ORDER

Hon. Joan Fraser: Honourable senators, I rise on a point of order. Under our rules, we should not refer to the presence or absence of another senator. I know that when it happens, it is almost never ill-meant. Nonetheless, it has been happening with increasing frequency over recent months, and I am simply taking the opportunity to remind honourable senators of our rules.

Hon. Gerald J. Comeau (Deputy Leader of the Government): This reminder reinforces the point made in the previous point of order. If an honourable senator is not present, we do not know whether he or she is agreeable to having an order adjourned in his or her name. The very fact that such a motion is made indicates to everyone who can read and listen that the senator is not present. That makes the case more strongly that we should not adjourn orders in someone else's name, because it shows that that senator is not in the chamber at that time.

The Hon. the Speaker pro tempore: In addition to researching whether items can be adjourned in the name of another senator, I will look into references to the absence or presence of senators in the chamber.

CONSTITUTION ACT, 1867

REPORT OF SPECIAL COMMITTEE ON MOTION TO AMEND—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (*motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations*), presented in the Senate on October 26, 2006;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Campbell, that the second report of the Special Senate Committee on Senate Reform be not now adopted but that the motion to amend the Constitution of Canada (western regional representation in the Senate), be amended as follows:

(a) by replacing, in the third paragraph of the motion, the words "British Columbia be made a separate division represented by 12 Senators;" with the following:

"British Columbia be made a separate division represented by 24 Senators;"

(b) by replacing, in clause 1 of the Schedule to the motion, in section 21, the words "consist of One hundred and seventeen Members" with the following:

"consist of One hundred and twenty-nine Members";

(c) by replacing, in clause 1 of the Schedule to the motion, in section 22, the words "British Columbia by Twelve Senators;" with the following:

"British Columbia by Twenty-four Senators;"

(d) by striking out, in clause 2 of the Schedule to the motion, in section 27, the words "or, in the case of British Columbia, Twelve Senators,"; and

(e) by replacing, in clause 2 of the Schedule to the motion, in section 28, the words "exceed One hundred and twenty-seven." with the following:

"exceed One hundred and thirty-nine."
—(Honourable Senator Bryden)

Hon. John G. Bryden: Honourable senators, I rise to speak to the motion to amend the Constitution of Canada regarding western regional representation in the Senate, which is now commonly referred to as the Murray-Austin motion.

I would like to begin by quoting from a book with which we are all familiar, *Protecting Canadian Democracy*, which was edited by our colleague Senator Joyal:

At its inception, the federal system of governing in Canada was devised to accommodate the various needs and bolster the respective strengths of the original partners in Confederation: Upper and Lower Canada, Nova Scotia and New Brunswick.

The historical record is emphatic: there would have been no agreement on Confederation without the provision of an Upper Chamber possessing genuine powers....During the Confederation debates, Sir John A. Macdonald stressed the importance of checking the legislative power of governments elected largely by the heavily populated areas of the country:

"To the Upper House is to be confided the protection of sectional interests; therefore it is that the three great divisions (now four) are there equally represented for the purpose of defending such interests against the combination of majorities in the Assembly."

• (1650)

Quoting from page 275 of *Protecting Canadian Democracy*, George Brown, leader of the Reformers, which later became the Liberal Party, in Upper Canada at the time of Confederation stated:

Our Lower Canada friends have agreed to give us representation by population in the Lower House, on the express condition that they shall have equality in the Upper House. On no other condition could we have advanced a step. . . . and it was quite natural that the protection for those interests, by equality in the Upper Chamber, should be demanded by the less numerous provinces.

That, honourable senators, was and still is the deal, the contract, the compact that made our Confederation possible; a deal among Ontario, Quebec and the Maritime provinces, later signed onto and accepted by the Western provinces, that guaranteed in exchange for the less populated provinces accepting representation by population as the method of choosing members to serve in the House of Commons, the more populated provinces accepted that an equal number of senators be appointed to represent each of the four major divisions of the country regardless of the population of each division.

The immutability of the deal made by the founding provinces at the time of Confederation was emphasized by the Supreme Court of Canada as recently as 1980 in *re Upper House*. The citation is 1980, S.C.R.54.

... It is not open to Parliament to make alterations which would affect the fundamental features or essential characteristics given to the Senate as a means of ensuring regional representation and provincial representation in the federal legislative process. The character of the Senate was determined by the British Parliament in response to the proposals submitted by the three provinces in order to meet the requirement of the proposed federal system. It was that Senate created by the act to which a legislative role was given by S. 91. In our opinion, its fundamental character cannot be altered by unilateral action by the Parliament of Canada and S.91(1) does not give that power.

Honourable senators, while the motion before us does not purport to change the fundamental and essential equality of representation among the four divisions represented in the Senate, that can only be done by a constitutional amendment under section 38, adoption of the motion would basically say that the Senate prefers and supports that basic representation in this place be changed from equal representation for each of the four divisions to unequal representation. This would be accomplished by increasing the representation of the Western provinces division by 12 senators to 36 in the original motion, or by doubling the number of senators in the Western provinces division to 48 if the amendment should carry.

A question comes to mind: Why would we do that? The Constitution of Canada, honourable senators, states:

22. In relation to the Constitution of the Senate Canada shall be deemed to consist of Four Divisions:—

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia, and New Brunswick, and Prince Edward Island;
4. The Western Provinces of Manitoba, British Columbia, Saskatchewan, and Alberta;

which Four Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four senators; Quebec by twenty-four senators; the Maritime Provinces and Prince Edward Island by twenty-four senators, ten thereof representing

Nova Scotia, ten thereof representing New Brunswick, and four thereof representing Prince Edward Island; the Western Provinces by twenty-four senators, six thereof representing Manitoba, six thereof representing British Columbia, six thereof representing Saskatchewan, and six thereof representing Alberta; Newfoundland shall be entitled to be represented in the Senate by six members; the Yukon Territory and the Northwest Territories shall be entitled to be represented in the Senate by one member each.

Honourable senators, I return to the question: Why is it now desirable to amend the Constitution so that the four divisions of Canada are unequally represented in the Senate?

Senator Murray, in speaking to his and Senator Austin's motion stated:

The Constitution Act of 1915 created the Western division, with 24 seats equally divided among the four provinces. ... In terms of Western representation, the Senate has stood still for more than 90 years.

Honourable senators, the Ontario division, the Quebec division and the Maritime provinces division have stood still for 140 years. Since these three divisions have had a much longer period of inertia than the Western division, perhaps it would be desirable to determine whether they or any of them would prefer to be unequally represented before amending the more contemporary Western provinces division.

Honourable Senator Murray goes on to say:

The geographic, demographic, cultural, political and economic realities of Western Canada are underrepresented in this place. Western Canada's importance in this country is not properly reflected in the composition of the chamber.

In light of the fact that the Western division presently has one senator for every 403,450 people and the Ontario division presently has one senator for every 522,550 people, it would seem that the division Senator Murray represents — and I had hoped he would be present — has a greater demographic grievance.

The Ontario division might find it desirable to amend the Constitution of Canada as well. If it had a champion for its cause, seven more senators would set its division at 31 senators instead of 24, bringing their ratio of senators to people to the same level enjoyed by the Western division. Presently, the Western division is demographically better represented than the Ontario division.

• (1700)

To continue with the list of realities that, since 1915, have caused the western division's 24 Senate seats to become inadequate, it would be helpful to know what geographical changes have occurred, since 1915, to warrant an overweighing in the number of seats required for the western division.

Similarly, what cultural contributions, opportunities or burdens cry out for more Senate seats in the western division than in Quebec, Ontario or even the Maritime provinces division? What are the political and economic realities that would warrant equal representation?

The political and economic realities are that the western division has the Prime Minister of the country, billions and billions of dollars in economic activity and the fastest growth in the nation. That is not bad for a division that, since 1915, has been neglected and has only an equal number of senators with the other three main divisions, as prescribed by Constitution of Canada.

Senator Austin in speaking to the motion said:

This resolution is not intended to reapportion Senate seats. Quite frankly, it is a part of the role of the Senate to reinforce the parliamentary presence of the lesser populated provinces.

No, the motion does not reapportion Senate seats. It arbitrarily awards 50 per cent more seats to the western provinces division by the motion and 100 per cent more seats if the amendment carries, while maintaining the 24 seats for each of the other three main divisions. If adopted, this motion clearly breaks the contract upon which Confederation was founded and that the western provinces division agreed to and signed on to at least by 1915.

It is disingenuous to protest that this is just a first step and the resolution must meet the section 38 constitutional amendment process and — nudge, nudge, wink, wink — do we really think that will happen?

Honourable senators, this is not the way we do business in this chamber. I will not support this motion, first step or not. Its adoption would break the deal the four divisions made for equality among the four divisions. We cannot simply break the deal. We, perhaps, can negotiate a new deal but that negotiation must take place among all the constitutional players, particularly the provinces, and not simply in this chamber.

The Hon. the Speaker pro tempore: Honourable Senator Bryden, your time is up.

Senator Bryden: Half a minute.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Four minutes.

The Hon. the Speaker pro tempore: Senator Bryden, five minutes.

Senator Bryden: Thank you, honourable senators.

I will not abuse my time.

Finally, honourable senators, I want to align myself with the suggested approaches outlined by Senator Hubley in her thoughtful and carefully crafted speech on this issue, and I commend it to you.

Thank you for listening, honourable senators.

Hon. Gerry St. Germain: I have a question for the honourable senator.

The Hon. the Speaker pro tempore: Will you accept questions, Senator Bryden?

Senator Bryden: Yes, I will do the best I can.

Senator St. Germain: Honourable senator, perhaps you explained this but how do you square the argument of the additional six seats for Newfoundland and Labrador that were established? I carefully listened to you speak of the original divisions of the western provinces, Ontario, Quebec and the Maritimes, yet you do not explain how we can co-exist or survive with the six seats in Newfoundland and Labrador that were established. What is your rationale with regard to that issue?

Senator Bryden: I cannot swear this is exactly right, but my understanding is that at the time of Confederation there were 24 seats set aside for the West. Also, I believe, five seats were set aside in the hopeful event that Newfoundland would join our Confederation. The West had totally signed up by 1915; Newfoundland joined Confederation in 1949 and, at that time, the six seats were allocated. I think it was after that time that the single seats for the Northwest Territories, the Yukon and now for Nunavut were assigned.

Senator St. Germain: At what time did you say that the five seats were assigned on the possibility that Newfoundland would join? Was this after 1915 or prior to 1915?

Senator Bryden: The best answer I can give you is: I am not sure. I know that they were not assigned until 1949 because Newfoundland was not a province until 1949.

Senator St. Germain: I realize that, but I think it is important that, as senators, we somehow acquire that information. I understand the argument you put forward, but then we have this factor to deal with and it exists. To me, it lends credence to the possibility that if we could add then, why can we not add now? Since I represent British Columbia, I think we should pursue the question.

Senator Bryden: I wish to make one quick response to that. The four main divisions were struck at the time of Confederation.

Senator St. Germain: Agreed.

Senator Bryden: Ultimately, they were all assigned by 1915. Canada, in 1949, then acquired a whole new territory. It was not as if the territory was there and we expanded into it; it was a new participant in Confederation. Newfoundland did not negotiate the 24-seat equal designation between each of the four founding divisions. I believe — once again lots of people here know their history better than me — that initially five seats were anticipated to go to Newfoundland. I cannot imagine Newfoundlanders wanting to negotiate, but they negotiated with the country of Canada for up to six seats at the time of Confederation. That is the best I can do.

Just because Newfoundland is there, I do not know why that gives us a right to change the rules by which everyone else joined.

Hon. David Tkachuk: I take it the honourable senator is not in favour of my amendment to 24 seats for British Columbia?

Senator Bryden: Honourable senator, that reminds me of this story. A long time ago we had a gentleman in here who was good with figures and the only thing he spoke to when I was here was the budget.

Senator Comeau: That was Senator Bolduc.

Senator Bryden: Exactly: He peeled strip after strip off the Liberal budgets. I had an opportunity to stand up and ask him a question. When I stood up, I said, honourable senator, other than that, was there anything in the budget that you did not like?

On motion of Senator Nolin, debate adjourned.

• (1710)

STUDY ON CONCERNS OF FIRST NATIONS RELATING TO SPECIFIC CLAIMS PROCESS

REPORT OF ABORIGINAL PEOPLES COMMITTEE— MOTION TO REQUEST GOVERNMENT RESPONSE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Aboriginal Peoples entitled: *Negotiation or Confrontation: It's Canada's Choice*, tabled in the Senate on December 12, 2006.—(Honourable Senator St. Germain, P.C.)

Hon. Gerry St. Germain: Honourable senators, I move, seconded by the Honourable Senator Segal:

That the fifth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Negotiation or Confrontation: It's Canada's Choice*, tabled in the Senate on December 12, 2006, be adopted; and

That, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Indian Affairs and the Minister of Justice being identified as ministers responsible for responding to the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Senator St. Germain: Honourable senators, last spring, the Senate mandated the Aboriginal Peoples Committee to study the specific claims process and to report with recommendations addressing policy and program changes, if necessary. I wish to comment generally about the committee's December 12, 2006 tabled report, entitled *Negotiation or Confrontation: It's Canada's Choice*.

Honourable senators, the settlement of Canada over the last several centuries has indisputably taken place on lands that belong to indigenous peoples organized as tribes, nations, communities — people which today are known as the First Nations, Metis and Inuit.

In the British tradition and in accordance with international law, the opening up of lands for immigration and settlement was to have been done in a just process involving fair

compensation. To a large degree, that role was accomplished. Treaties were made, surrenders of land were entered into and leases were signed.

While there may still be disputes as to the precise meaning of some of these transactions, disputes which are before the courts today as Canada's Aboriginal law evolves, Canada's history shows that settlement took place without the sad violence and dispossession that has characterized settler-indigenous relationships in other countries.

For that reason, Canada and indigenous peoples alike continue to have within their reach all the elements to develop a positive, productive relationship that meets the standards of the 21st century. There were, nonetheless, all too many instances of grievous injustices, gross unfairness and dishonest transactions. The historical record establishes beyond any doubt that there were instances of outright fraud to enrich government officials, failure to reserve the agreed-upon amounts of lands for the exclusive use and benefit of the First Nation involved, surveying of lands intended to be "farming lands" which were, in fact, little more than swamps and muskegs, neglect in resolving well-founded complaints, and failure of agents to uphold the honour of the Crown.

As settlement progressed, First Nations were devastated by disease, changing economies, racism and paternalistic policies. They found it difficult to find anyone to listen to complaints about problems in the land transactions and, too often, grievances were not taken seriously. For a shameful period, there were decades in which it was actually prohibited by law for First Nations to retain lawyers to take their claims to the courts. Deprived of the economic benefits of lands to which they were entitled, many First Nations slipped deeper into poverty and despair.

In the 1960s, however, the federal government found it convenient to address land claims. Officials discovered there was no list of claims, no idea of the extent of claims or the funds which might be required to settle them. A claims commissioner appointed to resolve claims — a task expected to be completed in three or four years — discovered the number of claims was overwhelming. There was no process in place to deal with them.

The urgency of resolving claims increased with the *Calder* decision of the Supreme Court of Canada, which reinforced the concept of Aboriginal title. One thing was certain: Lengthy and costly litigation would not be able to resolve these disputes and Canada's court system could not easily handle the burden of the hundreds of new and complex cases.

The result was, for the first time, the establishment of a federal policy and process to handle First Nations specific claims. The concept seemed fair and practical. First Nations would file claims; officials and federal lawyers would recommend whether the Minister of Indian Affairs would accept the claims as outstanding, lawful obligations; accepted claims would then go to the negotiation level to reach agreement on a settlement and fair compensation would be paid. It was simple, but there were serious problems.

The claims came in by the hundreds, not by the dozens. The number of officials to handle the claims proved to be severely deficient. The complexity of the claims was much greater than

expected. Much more time than expected was required to do research both to substantiate the claim and for governments to substantiate that settling the claim was justified. The pace of negotiations slowed to a near standstill. Insufficient funds were allocated to pay for the settlements that had been agreed upon; and in the face of increased expectations that claims would be settled, the slow process seemed to add to the frustrations accumulated over decades of inattention to the injustice.

After several well-publicized confrontations arising from unresolved claims, the federal government agreed to establish an Indian Claims Commission under the Inquiries Act, a temporary solution until a permanent independent mechanism could be created in consultation with the Assembly of First Nations and regional organizations. A joint task force was established to work out the details. The commission commenced hearings into appeals of decisions of the minister to reject claims.

Thirty years after the government's belated decision to settle specific claims, and 15 years after the establishment of the temporary commission, the situation has worsened rather than improved. The backlog of claims has increased at every step of the process. Hundreds of claims have been mired in the process for 10, 15 and 20 years plus. Specifically, more than 400 nations — status Indian bands — have submitted roughly 1,300 specific claims since 1970. Approximately 900 claims have yet to be resolved.

There may be questions over the causes — insufficient staff, lack of resources allocated, overly complicated process and unreasonable standards. One thing is certain, however: The frustration of the First Nation claimants is again palpable, near the boiling point and, in some instances, already resulting in protests and occupations. It is against this backdrop that the committee opened its hearings on the specific claims process.

Honourable senators, when governments have chosen to address specific claims, they have done so in isolation and failed to integrate the resolution of claims into overall Aboriginal policy.

• (1720)

One witness, Mr. Jerome Slavik, a lawyer with more than 20 years' experience on specific claims, described the policy by saying:

There is a complete disjuncture between the government's stated interests of using claims as a platform to achieve economic self-sufficiency and self-government, and the process and criteria that claimants must go through to get there.

In Mr. Slavik's view, the government must see claims resolution as essential to economic and social development and to improvements in quality of life and governance. After all, specific claims are not arcane legal problems but injustices that occurred in the real world and that carry real consequences. In many cases, these injustices robbed First Nations of their ability to participate in the economy. In this light, the policy's stated goal of meeting outstanding obligations is all but meaningless. However, where claims have been settled, the

compensation often has led to substantial economic progress for our Aboriginal peoples.

In his testimony before your committee, honourable senators, the Minister of Indian and Northern Affairs also recognized the economic significance, the significant value of negotiated settlements and, perhaps more importantly, that time is of the essence. In his presentation before the Senate Committee on Aboriginal Peoples, the minister said:

In contrast to litigation, negotiated settlements are jointly developed by the parties in the process of working together, and from what I have seen over the years, this certainly strengthens relationships. Negotiated settlements are the best way to go in terms of building relationships and achieving economic development objectives and so on. They can certainly lead to win-win circumstances.

Honourable senators, I have become convinced that the vast majority of specific claims result directly from the profound level of disrespect for First Nation peoples that existed for many decades in this country.

The complexity of many claims is another factor that delays settlements. Claims often involve multiple levels of government and, in some regions, such as the Prairies, removing tracts of land from a municipal tax base imposes financial hardships on residents of that municipality. Many claims necessarily involve the provinces or private land owners. While history and the complexity of individual claims tend to slow down processes, my impression is that the government specific claims policy itself is largely responsible for the growing backlog.

This report, then, is dedicated to looking toward the future rather than to the past. Its purpose is neither to assess blame nor to demand vague "improvement." Instead, it is the committee's hope that its recommendations will be a clear blueprint for change. It is the committee's intention that its recommendations be the subject of prompt evaluation by government and consideration of First Nations.

The committee sees no reason why a joint task force cannot be convened in a very short period of time, mandated to determine short-, medium- and long-term mechanical changes that can be implemented by the federal government without delay. Adequate resources for negotiations and claims settlements have been lacking for many years and therefore, Canada's lawful obligations to First Nations are not being met. Officials of the government, legal practitioners and First Nations' representatives and researchers from across the country appeared before the committee. All made it abundantly clear that previous governments have not responded appropriately to the huge potential liability that specific claims represent for Canada.

Consequently, the committee concluded its study and has recommended that in the next federal budget there be an increase in the funds available for settlements and no less than \$250 million per year allocated to a fund for the payment of specific claims settlements. Our second recommendation is the establishment of an independent claims resolution body within two years, in full partnership with First Nations and capable of reaching settlements on claims within five years of their submissions to this new body. Recommendation three asks for

the provision of adequate resources for the existing process; increased human and financial resources for specific claims at the Department of Justice and the Department of Indian Affairs and Northern Development; and equal access for First Nations to government records necessary for documenting claims. Our fourth recommendation asks for the adoption of new guiding principles of fairness, inclusion, dialogue and recognition of regional differences.

Honourable senators, our Senate committee has proposed a limited number of specific measures to address what are really the specific choking points in the specific claims process. The committee believes that there is no reason why a nation as prosperous as Canada cannot afford to meet its outstanding, lawful — I repeat, lawful — obligations, in particular when these settlements have such great potential for dramatic improvement in the economic well-being of First Nations. Indeed, Canada cannot afford not to do so.

With concerted political will to act, the current blemish of human rights injustice can be removed and replaced by a positive relationship demonstrating true justice.

Honourable senators, members of my committee worked seriously and aggressively on this file. I have heard prime minister after prime minister say that we live in the greatest country in the world. I am not speaking from a partisan point of view but rather, I am speaking as a concerned Canadian and as a concerned member of a committee that has a responsibility to our Aboriginal peoples. I do not think Canada will ever achieve its real greatness until it has dealt fairly with our Aboriginal peoples — our First Nations.

Hon. Jack Austin: Would Senator St. Germain take a question?

Senator St. Germain: Yes.

Senator Austin: Senator St. Germain is aware that I am in support of this fifth report and that the committee has done very good work. I am curious, however, that there is no mention of Bill C-6, which was passed in the Thirty-seventh Parliament when the Honourable Bob Nault was Minister of Indian Affairs and Northern Development. Bill C-6 set up a legal regime that does almost everything that Senator St. Germain has presented today with respect to the processing of specific claims of Aboriginal communities.

The honourable senator is aware that Bill C-6 was passed by Parliament and has not yet been proclaimed. Did your committee examine whether that bill would carry out most of the purposes for which this committee has reported, or are there deficiencies in that bill that you feel make it nugatory?

Senator St. Germain: My understanding is that the bill has been proclaimed but it has not been enacted. Is that correct?

Senator Austin: It was passed by Parliament. It simply has not been proclaimed.

Senator St. Germain: Bill C-6 was a topic of discussion during the hearings and deficiencies were brought forward by the Aboriginal communities that we are trying to serve. In approximately 80 per cent to 90 per cent of the instances stated,

they could not see going forward with Bill C-6 because it did not meet the requirements of fairness, as far as they were concerned. They believed that the Senate committee should proceed on its own and make a report to the government. In the matter that we have reported, about 80 per cent of the witnesses who appeared before the committee supported this method to proceed over proceeding with Bill C-6.

We did not do an in-depth study of Bill C-6 but the topic was raised numerous times, and the Assembly of First Nations spoke to it as well.

Senator Austin: The official position of the Assembly of First Nations is that they were opposed to the proclamation of Bill C-6. Is that correct?

Senator St. Germain: If I recall, that is correct. The AFN said that they want an outside body to adjudicate the specific claims because currently, the government acts as judge and prosecution. Bill C-6 did not provide that in any way, shape or form.

Senator Austin: I happen to disagree with you. Bill C-6 sets up three bodies, one of which is an outside, independent judicial body to examine claims and make the reference to negotiation. If negotiation is unacceptable to the claimant Aboriginal community, then the claim proceeds to an independent judicial body.

• (1730)

However, the point that the honourable senator is making, is that the Aboriginal partners are rejecting the Bill C-6 methodology and therefore we are starting again from the beginning to deal with the process. As the Honourable Senator St. Germain knows, the existing Indian Claims Commission is based on an Order in Council that was passed in 1983. That is its legal reality, and we have tried very hard to put in place a statute that would provide for a true process. If the honourable senator's report leads to that, I would be delighted.

[Translation]

The Hon. the Acting Speaker: Senator St. Germain, you have run out of time.

Senator St. Germain: Honourable senators, I ask leave for another four minutes.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[English]

Senator St. Germain: I am surprised the honourable senator has risen. It was his government that brought forward Bill C-6 and why was it not put into effect. This is the question. I know why it was not put into effect, because the Aboriginal community were not satisfied that the independent body was truly independent. It was department and government driven, as opposed to being selected in an impartial method, with true Aboriginal representation. Whether that is a reality or not, if we can expedite the process and if Bill C-6 could be utilized, although it was part of a former administration, if it is good for the

Aboriginal people, I do not care where it comes from. However, if it does not help these people who have been brow beaten for the last 150 years, I think it is time we get our act together and work with them each step of the way in a manner that is beneficial to them.

Senator Austin: Would the chamber allow me an additional question?

Hon. Senators: Agreed.

Senator Austin: I agree with all the good nostrums that the honourable senator has just announced. However, he has put his finger on the problem, that the Assembly of First Nations and other Aboriginal representatives wanted to have a veto over the appointment by the Governor-in-Council of members of the independent commission and there was a constitutional problem facing the government. How does the Governor-in-Council share appointment power with a third party? Did the committee actually focus on that issue?

Senator St. Germain: No, we did not, but the fact is clearly stated in the report from the feedback, that there has to be a high level of consultation with the Aboriginal community as a whole, and I think the honourable senator would be in agreement. If we fail to do that and continually do what we have done, we will always get what we have always got and it is not satisfactory.

On motion of Senator Tardif, debate adjourned.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AUTHORIZE COMMITTEE TO STUDY EFFECTIVENESS OF CANADA'S PROMOTION OF DEMOCRATIC DEVELOPMENT ABROAD— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, for the Honourable Senator Segal, seconded by the Honourable Senator Stratton:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context; and

That the Committee shall present its final report no later than December 31, 2007, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until March 31, 2008.—(*Honourable Senator Downe*)

Hon. Hugh Segal: Honourable senators, my purpose today, is to explain the intent of the reference for the committee on the study of democratization very briefly, and seek the approval of the chamber to proceed. I am appreciative to the Honourable Senator Downe who gave me permission to speak, even though it was adjourned in his name. We do not want to replicate the work of the House of Commons on democratization, which is a much larger and broader study, but to look specifically at the role of the

organizations that report directly to Parliament; the Westminster Institute in the United Kingdom, the Endowment for Democracy which reports to the Congress in the Senate in the United States, and the focus of those organizations, specifically on the strengthening of political parties abroad, as opposed to the many other aspects that are important and substantial, relative to the democracy project. As the resolution contemplates, it would be a brief study, talking to witnesses who have been involved in this area of activity, comparing the approaches of other countries with our own and making recommendations as to how this chamber might wish to proceed in respect to going forward. Our budgetary requirements, when that matter is discussed, will be modest and we are not contemplating excessive travel. We will use video conference to moderate cost and make the best use of members' time.

Hon. Eymard G. Corbin: The honourable senator has just stated that there would not be excessive travel. Why is he not seeking permission for the committee to travel in the motion?

Senator Segal: When the matter was discussed in the steering committee, there was agreement that we could do this without travelling, and asking for travel privileges when we agreed not to might be a touch superfluous. I am in the hands of my more experienced colleague.

Senator Corbin: I am not attempting any mischief here, for I am a member of the steering committee and we have a good working relationship. However having given further thought to the whole idea of travel, it seems to me that as much as video conferencing is useful, it is not as useful as meeting people on their ground. This is very much a parliamentary initiative and it seems to me members of the committee would all gain if they did indeed travel to Westminster or to the American Congress. Although I have given that a great deal of thought, I have not had the opportunity to discuss it in private with my other colleagues, however, I feel that we would be missing something if we did not go on the ground and talk at length with these people who have gathered quite a bit of experience over many years. This is why I am suggesting that perhaps we should include in the motion, a proviso for travel, if need be.

Senator Segal: I am at a loss as to how to do that. I do not know if we are allowed to amend this motion. We could consult broadly with our leadership relative to the timing of any travel due the sensitivity, relative to the roster, certainly on this side, but that being said, if that is an amendment that my colleague would like to make, I would support it without hesitation.

• (1740)

Hon. Joan Fraser: It has occurred to me, as I listen to this debate, that the motion does not need to include any reference at all to travel. Normally that is done, if memory serves, when a budget is presented to the Internal Economy Committee. It seems to me that this mini-debate we have been having indicates that the committee itself may wish to take another look at the matter before submitting a budget. However, that does not mean we could not accept the study. Senator Corbin always offers food for thought, so it will be interesting to hear what he says.

Hon. Jack Austin: I wanted to ask a question of Senator Segal so that I better understand the meaning of the motion. Do I understand that one objective of the proposed motion is to

examine the work of all interparliamentary committees, for example, the Inter-Parliamentary Union, IPU, the Canada-China Legislative Association and the Canada-Japan Inter-Parliamentary Group, to see whether we are promoting democratic values through the interparliamentary process? Would that be one area of your work?

Senator Segal: I have no reason to apprehend that those matters would be excluded from the committee's consideration.

Senator Austin: I am even less clear, then, about the meaning of the role of the Parliament of Canada in this context; can the honourable senator give us an explanation?

Senator Segal: The reference should be the role of Parliament, parliamentarians, institutions that report to Parliament and organizations that are part of Parliament as separate from bureaucratic organizations or NGO organizations who have no connection with Parliament but who also do excellent work in the area. It is not contemplated that they would be the primary focus of this study. This study would look at parliamentary agencies and organizations relating to Parliament, and we would look at not only what happens in our context but also at what happens with organizations such as the Westminster Institute and the National Endowment for Democracy, which report not to the state department or to the foreign and colonial affairs department but rather to their respective parliaments.

On motion of Senator Corbin, debate adjourned.

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Jaffer*)

Hon. Jack Austin: Honourable senators, all of us, I am certain, have a deep sense of frustration when we focus on the human rights abuses bordering on genocide in the Darfur region of Sudan and now taking place in the neighbouring countries of Chad and the Central African Republic. After more than 20 years of fighting in Southern Sudan and the death of hundreds of thousands there, the Khartoum authorities signed a treaty that gives Southern Sudan a high level of autonomy as well as a role in the Sudan government — so far so good in Southern Sudan.

Probably encouraged by the Southern Sudan situation, several groups in Darfur have asked for the same arrangement. It appears that at times these groups have cooperated, and, at other times, they were rivals.

The response of the Khartoum authorities in Darfur is now well known to the world. It has been savage, enabling Arab tribes, known as "the Janjaweed militia," to attack, rape and murder countless people and to burn to the ground their communities. The Janjaweed have been armed by the Khartoum authorities and supported in the air and on the ground by the Sudanese military. It is reported that over 200,000 people have been murdered and

over 2 million Darfurians are refugees in Chad and the Central African Republic.

What has been the world's response? First, there was a decision that responsibility to act was that of the African Union. This organization of African nations was able to muster a patrol of 8,000 poorly equipped and undertrained soldiers who have acted largely as observers without the power to separate the refugees from the Janjaweed. The soldiers have been sparsely supported by the United Nations and the world community, although it is fair to report that Canada has been a leader in supplying money and equipment; decisions taken by the Martin government and, so far as I know, still supported by the Harper government.

Canada has sponsored, and the UN has proclaimed, the "responsibility to protect," but what does it mean in action? The Khartoum authorities have relied on the doctrine of state sovereignty to deny the UN and the world community access to the region. The attempts by NGO groups to provide humanitarian assistance have been frustrated by the Khartoum authorities. The Janjaweed have targeted aid workers with murder and rape, and most agencies have withdrawn their workers. The Khartoum authorities simply do not want witnesses to their actions.

In spite of the horrors of Rwanda, the world community is not prepared to risk the personnel and pay the costs of dealing with the responsibility to protect in Darfur. Indeed, Sudan's Arab neighbours solidly supported electing Sudan's president, Omar al-Bashir, as head of the African Union. Fortunately, the other countries in Africa denied him that outrageous result.

The Davos conference of self-proclaimed world leaders that met last month conferred about Africa but said nothing about Darfur. President George Bush does not have Darfur on his short list of world problems marked with an urgent tag. President Hu Jintao spent two days in Khartoum last week. How high up the list of items for his visit was Darfur? Keeping in mind that China is a permanent member of the UN Security Council, President Bashir has threatened a holy war against any country or people who take resolute action to protect the lives of Darfurians. He has been supported by alleged spokesmen for al Qaeda who say they will sponsor terrorism in the lands of those who resolve to take action.

The Darfurians are Muslims, as are the Sudanese authorities and their Arab militia, the Janjaweed. It is so easy for the world community to say to itself that these are Muslims killing Muslims; why intervene? Of course, they could visit their terror on us at home.

There are reports that the Janjaweed are beginning to attack the Darfur people in camps in Chad and Central Africa. Should a massacre begin there, will we stand and watch because the threat of terror intimidates us? I wish I knew the answer, but I have my suspicions.

Our colleagues, Senator Dallaire and Senator Jaffer, along with Ambassador Robert Fowler were members of a three-person Canadian team delegated by the Martin government to analyze and understand the situation and enter into a dialogue of reason with Sudan. Senator Jaffer also previously served as Prime Minister Chrétien's special envoy. The members of the team are leaders for Canadian opinion for Darfur. I hope Canadians will listen to them in the future.

I am pleased to note that Senator Dallaire was invited to appear before a U.S. congressional committee yesterday. I am certain he made a persuasive case there for UN action in Darfur.

I go back, honourable senators, to say that the situation is of enormous frustration. The inability of the world community to respond to the devastating behaviour of Sudan and its militias in Darfur creates a pathetic sense in so many of us about the way in which the world system is evolving.

On motion of Senator Tardif, debate adjourned.

• (1750)

CANADIAN NATIONAL VIMY MEMORIAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial, begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.
—(*Honourable Senator Banks*)

Hon. Michael A. Meighen: Honourable senators, I rise to speak briefly to Senator Dallaire's inquiry calling the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial. This project, which began in 2001 under the auspices of the Canadian Battlefields Memorial Restoration Project, is nearing completion, and an official rededication ceremony is expected to be held in April of this year.

Tomorrow, Wednesday, February 7, officials from Veterans Affairs Canada, the Canadian Battlefields Foundation and the Commonwealth War Graves Commission will update the Subcommittee on Veterans Affairs on the status of this project and the detailed plans to commemorate and rededicate the restored Canadian National Vimy Memorial.

I look forward to providing a detailed update to all honourable senators following this meeting.

[*Translation*]

Honourable senators, I will be pleased to share with you the details of the ceremony, once they have been provided to the Subcommittee on Veterans Affairs, tomorrow, Wednesday. I move adjournment of the debate.

On motion of Senator Meighen, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, given that it is almost six o'clock and that there are very few items on the Order Paper, is it agreed, honourable senators, that we not see the clock?

Hon. Senators: Agreed.

KYOTO PROTOCOL

GOVERNMENT POSITION—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell calling the attention of the Senate to the stated intention of the Canadian government to weaken the Kyoto Protocol, and to dismantle 15 climate change programs, including the One-Tonne Challenge and the EnerGuide program.—(*Honourable Senator Fraser*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, given the vital importance of this inquiry on the environment and our commitments under the Kyoto Protocol, I move that adjournment of the debate.

On motion of Senator Tardif, debate adjourned.

The Senate adjourned until Wednesday, February 7, 2007, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(February 6, 2007)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate and Secretary of State (Seniors)
The Hon. Monte Solberg	Minister of Human Resources and Social Development
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue
The Hon. Vic Toews	President of the Treasury Board
The Hon. Rona Ambrose	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification
The Hon. Diane Finley	Minister of Citizenship and Immigration
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	Minister of the Environment
The Hon. Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. Jay D. Hill	Secretary of State and Chief Government Whip
The Hon. Jason Kenney	Secretary of State (Multiculturalism and Canadian Identity)
The Hon. Gerry Ritz	Secretary of State (Small Business and Tourism)
The Hon. Helena Guergis	Secretary of State (Foreign Affairs and International Trade) (Sport)
The Hon. Christian Paradis	Secretary of State (Agriculture)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(February 6, 2007)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Que.
Daniel Hays, P.C.	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoïne Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(February 6, 2007)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andr��e, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Rom��o Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Ban��, Pierre, P.C.	De la Valli��re	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aur��lien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac.	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel, P.C.	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, C��line, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(February 6, 2007)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23	
24	

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	Nova Scotia	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Gerard A. Phalen	Nova Scotia	Glace Bay
6 Terry M. Mercer	Northend Halifax	Caribou River
7 James S. Cowan	Nova Scotia	Halifax
8		
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
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THE HONOURABLE

1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Daniel Hays, P.C.	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of February 6, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

Campbell,	* Hervieux-Payette (or Tardif),	Lovelace Nicholas,	Segal,
Dyck,	Hubley,	Peterson,	Sibbeston,
Gill,	* LeBreton (or Comeau),	St. Germain,	Watt.
Gustafson,			

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton (or Comeau), Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Christensen,	* LeBreton (or Comeau),	Merchant,	St. Germain,
Fairbairn,	Mahovlich,	Mitchell,	Segal,
* Hervieux-Payette (or Tardif),	Meighen,	Oliver,	Tkachuk.
Hubley,			

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton (or Comeau), Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Goldstein,	* LeBreton (or Comeau),	Moore,
Biron,	Grafstein,	Massicotte,	Ringuette,
Eyton,	Harb,	Meighen,	Tkachuk.
Fitzpatrick,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette, *LeBreton (or Comeau), Massicotte, Meighen, Moore, Tkachuk.*

CONFLICT OF INTEREST FOR SENATORS**Chair: Honourable Senator Joyal****Deputy Chair: Honourable Senator Andreychuk****Honourable Senators:**

Andreychuk,	Carstairs,	Joyal,	Robichaud.
Angus,			

*Original Members as nominated by the Committee of Selection**Andreychuk, Angus, Carstairs, Joyal, Robichaud.***ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES****Chair: Honourable Senator Banks****Deputy Chair: Honourable Senator Cochrane****Honourable Senators:**

Adams,	Cochrane,	Lavigne,	Sibbeston,
Angus,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Spivak,
Banks,	Kenny,	Milne,	Tardif.
Carney,			

*Original Members as nominated by the Committee of Selection**Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne, *LeBreton (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.***FISHERIES AND OCEANS****Chair: Honourable Senator Rompkey****Deputy Chair: Honourable Senator Johnson****Honourable Senators:**

Adams,	Comeau,	Hubley,	Meighen,
Baker,	Cowan,	Johnson,	Rompkey,
Campbell,	Gill,	* LeBreton (or Comeau),	Watt.
Cochrane,	* Hervieux-Payette (or Tardif),		

*Original Members as nominated by the Committee of Selection**Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson, *LeBreton (or Comeau), Meighen, Rompkey, Watt.*

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Segal

Deputy Chair: Honourable Senator Stollery

Honourable Senators:

Andreychuk,	Di Nino,	* LeBreton (or Comeau),	Segal,
Corbin,	Downe,	Mahovlich,	Smith,
Dawson,	Eyton,	Mitchell,	Stollery.
De Bané,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Carstairs

Honourable Senators:

Andreychuk,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Nancy Ruth,
Carstairs,	Jaffer,	Lovelace Nicholas,	Poy.
Dallaire,	Kinsella,	Munson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pénin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Comeau,	Jaffer,	Massicotte,	Prud'homme,
Cook,	Kenny,	Nolin,	Robichaud,
Downe,	Kinsella,	Phalen,	Stollery,
Furey,	* LeBreton (or Comeau),	Poulin,	Stratton.
Hervieux-Payette (or Tardif),			

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays (or Fraser), Jaffer, Kenny, Keon,
LeBreton (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	Fraser,	* LeBreton (or Comeau),	Ringuette,
Baker,	* Hervieux-Payette (or Tardif),	Milne,	Rivest,
Bryden,	Jaffer,	Oliver,	Stratton.
Di Nino,	Joyal,		

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

Biron,	Eggleton,	Mitchell,	Ringuette,
Cowan,	Fox,	Murray,	Rompkey,
Day,	* Hervieux-Payette (or Tardif),	Nancy Ruth,	Stratton.
Di Nino,	* LeBreton (or Comeau),		

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Meighen

Honourable Senators:

Atkins,	* Hervieux-Payette (or Tardif),	Meighen,	Tkachuk,
Banks,	Kenny,	Moore,	Zimmer.
Day,	* LeBreton (or Comeau),	St. Germain,	

Original Members as nominated by the Committee of Selection
*Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,*
**LeBreton (or Comeau), Meighen, Poulin, Watt.*

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Meighen.
Day,	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Champagne,	* Hervieux-Payette (or Tardif),	Losier-Cool,	Tardif,
Chaput,	Jaffer,	Murray,	Trenholme Counsell.
Comeau,	* LeBreton (or Comeau),	Robichaud,	

Original Members as nominated by the Committee of Selection
*Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton (or Comeau),*
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

Andreychuk,	Fraser,	Keon,	Robichaud,
Bryden,	Hays,	* LeBreton (or Comeau),	Smith,
Corbin,	* Hervieux-Payette (or Tardif),	Losier-Cool,	Stratton,
Cordy,	Joyal,	McCoy,	Tardif.
Di Nino,			

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Eyton

Honourable Senators:

Biron,	De Bané,	Harb,	Nolin,
Bryden,	Eyton,	Moore,	St. Germain.

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Austin,	Champagne,	* Hervieux-Payette (or Tardif),	Stratton,
Bacon,	Cowan,	* LeBreton (or Comeau),	Tkachuk.
Carstairs,	Fairbairn,	Oliver,	

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
*Hays (or Fraser), *LeBreton (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Callbeck, Champagne, Cochrane, Cook,	Cordy, Eggleton, Fairbairn, * Hervieux-Payette (or Tardif),	Keon, * LeBreton (or Comeau), Munson,	Nancy Ruth, Pépin, Trenholme Counsell.
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Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, ForreSTALL,
*Hays (or Fraser), Keon, Kirby, *LeBreton (or Comeau), Pépin, Trenholme Counsell.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Adams, Bacon, Champagne, Dawson,	Fairbairn, * Hervieux-Payette (or Tardif), Johnson, * LeBreton (or Comeau)	Meighen Mercer, Merchant,	Munson, Phalen, Tkachuk.
---	---	---------------------------------	--------------------------------

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

SPECIAL SENATE COMMITTEE ON AGING

Chair: Honourable Senator Carstairs

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Carstairs, Chaput,	Cordy, * Hervieux-Payette (or Tardif),	Keon, * LeBreton (or Comeau),	Mercer, Murray,
-----------------------	---	----------------------------------	--------------------

Original Members as nominated by the Committee of Selection

*Carstairs, Chaput, Cordy, *Hays (or Fraser), Johnson, Keon, *LeBreton (or Comeau), Mercer, Murray.*

SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT**Chair: Honourable Senator Smith****Deputy Chair: Honourable Senator Nolin****Honourable Senators:**Andreychuk,
Day,
Fairbairn,Fraser,
* Hervieux-Payette (or Tardif),
Jaffer,Joyal,
Kinsella,
* LeBreton (or Comeau),Nolin,
Smith.***Original Members as nominated by the Committee of Selection****Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal,
Kinsella, *LeBreton (or Comeau), Nolin, Smith.*

Tuesday, February 6, 2007

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

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VOLUME 143

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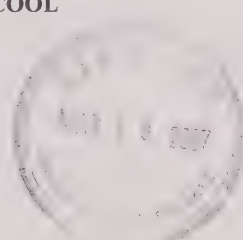
NUMBER 67

OFFICIAL REPORT
(HANSARD)

Wednesday, February 7, 2007

—

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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THE SENATE

Wednesday, February 7, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

HEART MONTH

Hon. Wilbert J. Keon: Honourable senators, it is appropriate that February has been designated as Heart Month. While many view this month as a time for chocolates and flowers, I would suggest that the best way to show our loved ones that we care is to ensure that our heart is in good shape.

Here are some sobering facts. Cardiovascular disease, which includes heart disease and stroke, is the leading cause of death in Canada. Aside from childbirth, cardiovascular disease is the leading cause of hospitalization for men and women. Cardiovascular disease is also the main contributor to direct and indirect health costs of our already overburdened health care system.

Finally, but of crucial importance to those suffering from heart disease, is that cardiovascular disease can severely limit the quality of life of people who suffer. Many endure chronic pain and are restricted in the level of activity they can enjoy. Some are also forced into unemployment because of the disease.

The good news is that most types of heart disease are preventable. I am sure that we are all familiar with the risk factors associated with the disease, which include smoking, a lack of physical activity, high blood pressure, high cholesterol, obesity and diabetes.

Five risk factors are not controllable; however, nine are. The controllable risk factors are largely as a result of lifestyle choices. Unfortunately, people are not always making the best choices. Eight out of ten Canadians have at least one of these risk factors.

• (1335)

Honourable senators, to celebrate Heart Month, I urge you to do what you can to ensure that you have a healthy heart. Make the necessary changes in your life and minimize your risk factors.

For cardiovascular health, if we were able to control nine risk factors in the population, we would prevent 90 per cent of premature heart attacks.

Honourable senators, control your risk factors, and encourage your family, friends and fellow citizens to do the same.

2007 WINTER UNIVERSITY GAMES

Hon. Catherine S. Callbeck: Honourable senators, last week marked the end of the 2007 Winter University Games in Turin, Italy. This 10-day event saw approximately 3,000 student athletes

from 52 countries come together to compete in the world's second largest event for winter sports. All participants are between the ages of 17 and 28 years old, and are enrolled as full-time students in post-secondary institutions.

During this outstanding event, our men's hockey team did Canada proud, winning this country's third gold medal ever, the first one in 16 years. The team went undefeated in the tournament, scoring a total of 34 goals and allowing only four goals in six games.

I am especially pleased to note that this stellar team was comprised exclusively of all-stars from universities in Atlantic Canada, including University of Prince Edward Island goalie Paul Drew. In fact, the team's assistant coach, Gardiner MacDougall, is head coach of the UNB Varsity Reds, a former Atlantic University Sport Coach of the Year, and last, but certainly not least, a native of my home area of Bedeque, Prince Edward Island.

All told, the Canadian delegation consisted of more than 100 athletes competing in 11 sports, as well as 42 team officials. Our athletes took home three other medals: gold in women's curling, silver in snow boarding and bronze in short track speed skating.

These World University Games, summer and winter, provide a wonderful opportunity for post-secondary student athletes from around the world to come together in the spirit of friendship and fair play.

Honourable senators, please join with me in congratulating all of Canada's athletes for representing their home country so well at this international event.

MANITOBA

DEATHS OF FIREFIGHTERS CAPTAIN HAROLD LESSARD AND CAPTAIN THOMAS NICHOLS

Hon. Sharon Carstairs: Honourable senators, "There is no greater love than to give one's life for a friend." Those who serve in our Armed Forces and our police forces in this country are often called upon to give to their friends, their colleagues and their countrymen the ultimate sacrifice. In recent days in Manitoba, we have been reminded that firefighters are also asked to make the ultimate sacrifice.

Captain Harold Lessard and Captain Thomas Nichols were killed in a house fire when a fireball caused an explosion. In addition, firefighter Ed Wiebe received burns to 70 per cent of his body, but has now been removed from intensive care and his prognosis is favourable. Firefighter Lionel Crowther was also injured, but is in satisfactory condition.

Honourable senators, men and women put their lives on the line for us daily, and we need to remember and honour their service. Both Captains Lessard and Nichols had served over 30 years and were highly respected members of the Winnipeg Fire Department.

Perhaps it was best said by Mr. Jay Murray, a nephew of the late Tom Nichols:

I truly believe it is imperative to recognize the sacrifices and risks firefighters make everyday. Whether it is running into an inferno, making a water/ice rescue, or attending the scene of an accident — these heroic individuals put their lives in true jeopardy to ensure the safety and well-being of others.

What happened on February 4th, 2007, was harsh and a stark reminder of the challenges you and your brave men encounter. There were absolutely no hesitations as your firefighters took on the task of establishing the safety of the victims affected by the fire. As this tragically and unfortunate situation comes to an end, the outcome has once again re-established the common thoughts of many; we are all truly grateful and proud of our bold firefighters.

Honourable senators, I think we, as a Senate chamber, want to offer our condolences to the families affected and our best wishes to those who are still struggling to maintain their health.

• (1340)

INTERNATIONAL SOCIAL SERVICE CANADA

BUDGET CUTS

Hon. Roméo Antonius Dallaire: Honourable senators, I rise this afternoon because I am deeply concerned. A non-profit organization that is part of the committee that I chair against the commercial exploitation of children will close its doors on March 31, 2007, as a result of the \$17.7 million budget cuts announced last October by the present government.

The organization is called the International Social Service, or ISS. It was formed in Geneva in 1924 and is active in 140 countries. It has been incorporated in Canada since 1979. ISS helps to restore the links between children and families who are separated between countries as a result of war, migration between countries, humanitarian crises or natural disasters. Through the expertise of its social workers, ISS Canada works for inter- and cross-country reunification of families and for the restoration of social services for children and families in countries affected by conflict, war or natural disasters. In doing so, it connects social welfare agencies in Canada with their network partners overseas.

The main beneficiaries of ISS are children, in Canada and abroad, who are in difficult circumstances because they have been abducted, trafficked, sexually abused or exploited. In 2005-06, ISS Canada dealt with 435 inter-country cases in 65 countries. Of the many countries with which ISS Canada cooperates, the United States is a major partner. ISS has worked on 90 cases with the U.S. alone. As of January 2005, ISS Canada has 197 open cases, 90 per cent of which relate to children.

[Translation]

International Social Service Canada needs \$150,000 per year for its operating budget. A few years ago, the Department of Foreign Affairs reduced its funding so that in the past two years ISS has only received \$80,000 a year, plus \$2,000 per case when DFAIT refers cases to ISS.

[Senator Carstairs]

I cannot believe that for \$80,000, the government is prepared to deny countries the ability to reunite and protect these children who were separated because of circumstances beyond their control.

As a member of the Standing Senate Committee on Human Rights, I find it deplorable that a service like this one is to become a victim of budget cuts. Canada has always been a leader in children's rights. We were proud to sign the Convention on the Rights of the Child and set up programs to protect children's rights.

At a time when international migration is increasing considerably for reasons we all know, at a time when we are deploying our armed forces and other resources abroad to mitigate difficult situations, organizations like International Social Service Canada are essential to resolving social and family legal issues between different countries.

I hope that other honourable senators will rise to denounce this mean-spirited and miserly budget cut.

[English]

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Wednesday, February 7, 2007

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TWELFTH REPORT

On March 7, 2005, the Senate adopted the Fourth Report of the Committee which approved the creation of a special fund, subject to a review after one year, to help senators meet exceptional funding needs or special circumstances.

The Committee now recommends that the special fund be eliminated and that the remaining amount in the fund be distributed to the Research and Office Expenses Budgets of those senators who did not receive an allocation from the special fund.

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1345)

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker *pro tempore* informed the Senate that a message had been received from the House of Commons with Bill C-26, to amend the Criminal Code (criminal interest rate).

Bill read first time.

The Hon. the Speaker *pro tempore*: When shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

PARLIAMENTARY MISSION, SEPTEMBER 27-29, 2006
AND SESSION OF PARLIAMENTARY ASSEMBLY
OF COUNCIL OF EUROPE, OCTOBER 2-6, 2006—
REPORT TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association respecting its parliamentary mission to the country that will hold the next European Union presidency held in Berlin, Germany, September 27 to 29, 2006, and its participation in the fourth part of the 2006 ordinary session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg, France, October 2 to 6, 2006.

[Translation]

QUESTION PERIOD

FINANCES

BALANCING BUDGET CUTS AND FISCAL IMBALANCE

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question today is for the Leader of the Government.

It has become very clear that the Conservatives do not respect the State. The Conservatives claimed in their election platform that they would save \$3.6 billion in their first budget. In their 2006 budget, which will come to an end this March, they have already cut \$1 billion by eliminating programs that are vital to underprivileged Canadians, women, artists, children, Aboriginals, and others.

To meet the goal of cutting nearly \$2.6 billion between now and the end of March, can the Leader of the Government tell me what

her Prime Minister plans to do to reduce the fiscal imbalance and keep his promise to cut government expenditures?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, last year the federal government tabled a budget that was very well received and which we were able to implement with a great deal of success. Through a savings review process conducted in the summer of 2006, the government found some savings. Many of the savings flowed from administrative issues and the government put those savings into direct services for the citizens of Canada.

In answer to the honourable senator's specific question, Minister Flaherty is presently conducting a consultation process. Today, he announced a public consultation process on the Internet, which is a first.

I would encourage the Leader of the Opposition to await the end of these consultation processes and the Minister of Finance's budget.

[Translation]

REDUCTION OF STUDENT DEBT

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I must say that I did not expect to be told that these were administrative expenditures when we are talking about programs for women, artists, children and Aboriginal peoples. I do not consider these administrative expenditures, but program expenditures.

Speaking of programs, before the election, the Conservative were consistently opposed to benefits for university students when the Canada Millennium Scholarship Foundation was set up. Can the Leader of the Government tell us how her government plans to reduce student debt and help train a skilled workforce in a prosperous economy when today's young people have to go into debt for the next 10 to 15 years in order to obtain a university education?

• (1350)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I saw the demonstration; as a matter of fact, I got held up in traffic this morning in front of Carleton University by the students who were bringing this issue to the forefront.

The government's long-term economic plan that was released last fall, called "Advantage Canada," clearly stated our government's recognition that investments in education, training and research are critical to our economy and to our future. In Budget 2006, the government helped the provinces and territories provide high quality, post-secondary education with a \$1 billion investment for colleges and universities through the Post-Secondary Education Infrastructure Trust.

In addition, the government provides \$5.4 billion in support to students through grants and loans, tax measures and funding of research. We are helping students through a new textbook tax credit for the cost of textbooks, as well as those studying as

apprentices through the apprentice job creation tax credit and the apprentice incentives grant to help them get jobs. There is also a \$500 deduction for the cost of their tools.

I am proud to say — and this is something that Senator Atkins has spoken on many times in this chamber — there is a full tax exemption for scholarships and bursary income, something we supported for a long time. Students, who receive a financial award based on academic excellence, are no longer penalized for their success in obtaining these scholarships.

THE ENVIRONMENT

POLICY ON CLIMATE CHANGE

Hon. Grant Mitchell: Honourable senators, two areas have been very consistent about the Prime Minister's position on climate change. He has always denied its existence and he has actively and aggressively worked to thwart the Liberal government's efforts over the last 13 years to ratify, let alone implement, the Kyoto accord. Now, the rhetoric seems to have changed. However, one has to wonder whether the commitment is anything more than simply convenience.

First, Prime Minister Harper continues his diversionary tactic of blaming the previous government for issues on which he is not taking action. Second, he failed to show up last week even for the vote on the Kyoto initiative; and third, his government has not given any answer on whether it will support the new UN body on climate change.

Could the Leader of the Government in the Senate please give some reassurance to Canadians that this government is committed to climate change policies that will work and that are driven and focused? Could she reassure us that the government will do so not out of some form of convenience, but out of a profound commitment by saying they were wrong to thwart Kyoto initiatives, they were wrong to cancel the Liberal Kyoto climate change programs and that they have been wrong to delay for a year before they have even begun to consider doing something about climate change?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I answered some of these questions yesterday. The Prime Minister, quite rightly, has pointed out the significant challenge the government faces in dealing with the issue of not only greenhouse gas emissions, but also the air pollution problems as well.

The honourable senator keeps referring to the budget of the previous government and how much it was focused on Kyoto. In fact, Steven Guilbeault of Greenpeace raised concerns on February 24, 2005, that Kyoto was not even mentioned in the budget. That was reported in *La Presse* in February 2005.

• (1355)

Anne Warburton, of the Ecology Action Centre, questioned the further delay by the Liberals. In February 2005, in the *Halifax Daily News*, she said:

I would suspect another year has more to do with back-room deals and successful lobbying from the auto industry than a real need for consultation.

In February 2005, David Anderson, former Minister of the Environment, said:

There was a substantial amount on climate change with the curious omission of the word Kyoto in everything Mr. Goodale said.

That was when Mr. Goodale presented his budget,

Glen Murray, a former Mayor of Winnipeg and a former Liberal candidate, as well as Chair of the National Round Table on the Environment and the Economy, said earlier this month, on February 2:

We're sort of in this Kyoto box . . . I think we should just end that conversation. I think we have to get as far down the road toward [greenhouse-gas] reduction as possible, but we should be doing that being mindful of tackling the bigger problem.

Even the Liberal-appointed head of the national round table on the environment feels that it is time now to do what we are doing, not talking about the issue but in fact addressing the issue. Certainly, it is the intention of the Prime Minister, the government and the Minister of the Environment. Canadians are engaged and do know there is a significant problem for not only this government but for governments all around the world.

Senator Mitchell: Honourable senators, the amount of time this government spends talking about the past is unbelievably frustrating. If leadership is defined by anything, it is defined by a focus on the future.

How is it that this leader can stand and talk over and over about the past and what went wrong, and use that as a defence for doing nothing, when they have the power right now under the Environmental Protection Act to bring in standards, targets and initiatives that will confront climate change and establish Canada as a leader in the world? Why can the leader not do that instead of talking about the past?

Senator LeBreton: As I said yesterday in answer to these questions, the fact that the opposition now seems to be putting all of their eggs in the basket of the Environmental Protection Act is interesting. Indeed, if we could resolve all of our problems this way — and I hate to bring up the past — you would have done so yourself by using the EPA.

Honourable senators, the fact is that the government has tabled Bill C-30, the proposed clean air act, in the House of Commons. It represents a better way to fight climate change and pollution. The bill is at committee stage in the other place, and we are working hard as a government to consult with members of all parties. I believe it is incumbent upon us all to work together. The environment is an important issue not only for the government but for all Canadians, no matter their political stripe. I would urge the honourable senator to in turn urge his colleagues in the other place to work with the government and with the other parties, such as the NDP, to strengthen Bill C-30 and get it back before Parliament.

Senator Mitchell: The minister should probably propose that it be called the “delay real action on climate change act” instead of the clean air act.

Has the government relinquished its commitment — and I use the term loosely — to intensity-based targeting, which clearly will not assist in reducing greenhouse gas emissions whatsoever, or will they continue to use this intensity-based targeting idea as something to hide behind so they will not feel they have to do something real and concerted to reduce greenhouse gases in this country?

Senator LeBreton: What the honourable senator describes as our new policy actually is a reflection on his own inaction in this regard. In fact, we are working very hard with industry, with the Canadian public and with environmentalists. We even received a compliment about our efforts from former Vice-President Al Gore, which was read in the other place yesterday.

• (1400)

For the first time, as the Prime Minister said yesterday and as Minister Baird has said, we will be bringing in regulations. They will be mandatory targets, not voluntary, as in the past. This government is very much focused on this particular issue.

Announcements have been made over the past month, and over the next few weeks there will be many more from the Minister of the Environment on how we will deal with this serious issue.

Hon. Sharon Carstairs: Honourable senators, I listened with interest to the responses to my honourable friend's questions. Historically, perhaps the most overt example of conversion was that of St. Paul on the road to Damascus. He went from being a centurion to being a strong advocate on behalf of Christianity. Why is the Leader of the Government in the Senate not willing to convince her leader to make the same kind of conversion so we can have out-and-out advocacy of the Kyoto accord?

Senator Rompkey: Repent. Salvation is at hand.

Senator LeBreton: I can think back to more spectacular conversions, such as the Liberals on the GST and free trade.

Senator Tkachuk: Right up there with St. Paul.

WORK BACKGROUND OF ENERGY AUDITOR

Hon. Lorna Milne: Honourable senators, the February 3 edition of the *Ottawa Citizen* states that on Thursday, an energy auditor from Green Home Inspections will give a free talk on what is involved in a home energy audit, the benefits of improving your home's energy efficiency and how to recoup renovation costs under the new ecoenergy program to be launched April 1.

I would not be surprised if the person conducting the seminar is a qualified energy auditor who is trained and has experience based on the no-longer-existing EnerGuide program. Was this person fired by Environment Canada only to be re-hired on a more expensive personal services contract in order to help this government save face when it realized EnerGuide was an

effective program that was designed and was working to help Canadians and the environment?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, as I have pointed out many times, there were many administrative costs to the EnerGuide program. We will be coming forward with programs that will affect and directly assist homeowners to make their homes more energy efficient. We have to engage the public not only on the issue of making our homes more energy efficient but in other things that they may do to make their carbon footprint a little smaller.

I will not speculate on what this person may say in the seminar, nor will I speculate on what the minister will say when he makes his announcement.

COST OF REHIRING ENERGY AUDITORS FROM ENERGUIDE PROGRAM

Hon. Lorna Milne: Honourable senators, I believe the Leader of the Government in the Senate when she says this government is committed to engaging the public, I believe was the term, in finding viable solutions to Canada's environmental problems. In fact, I see they are not only born again on the road to Damascus, but they are using a three-R approach. They have seen the light and are no longer “reducing” Canada's commitment to the environment. This is done by “reusing” ideas first implemented by the previous government. Due to their year-long mismanagement of this file, perhaps Canadians should consider “recycling” them back to the opposition benches.

• (1405)

The decision to bring back the EnerGuide program is laudable, and I thank this government for its wisdom in reviving it.

Can the Leader of the Government in the Senate inform this chamber of the estimated cost of hiring back the dozens of energy auditors and advisers who previously worked for the EnerGuide program?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I will simply have to take Senator Milne's question as notice and obtain the information that she has requested. I do not know the cost of this program and when we might expect to receive the costs associated with it. The program, as we all know, has not been announced.

FOREIGN AFFAIRS

INTERNATIONAL SOCIAL SERVICE CANADA— BUDGET CUTS

Hon. Jim Munson: My question is for the Leader of the Government in the Senate concerning another example of the Conservative government's cut-and-slash budgeting style that has come to light.

Moments ago, the esteemed Senator Dallaire rose to speak on the axing of federal funding to International Social Service Canada, an organization that dedicates itself to the lives of children, adults and families affected by humanitarian crisis.

Last year, in their haste to be fiscally responsible or prudent, the government scrapped the Canadian Unity Council, threatening a program that introduced Canadian youth to our Parliament. Then they cut our International Youth Internship Program. In this case, children fleeing war and strife do not provide the all important "value for money."

Honourable senators, we are talking about a budget of \$150,000 a year for a 50-year-old organization that provides invaluable service. I will quote the Deputy Minister for the Ministry of Children's Services, Government of Alberta:

Alberta is very pleased with the services received through . . . ISS Canada. ISS Canada has provided valuable assistance in situations of child abuse and neglect, child abduction, deportation, repatriation, service of documents and mediation.

Will the minister reverse this decision?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question regarding cuts to programs such as the Canadian Unity Council. He is quite incorrect in saying we cut the Encounters with Canada program for young people. We did no such thing. In fact, I made a number of phone calls to various people on the CUC and made it clear that we were not cutting the Encounters with Canada program for young people. We did not cut that program.

I noted Senator Dallaire's statement with regard to International Social Service Canada, and I will inquire as to the background on whether this program is in fact a part of other work the department is completing.

I will take the question on ISS as notice.

Senator Munson: I appreciate that, and I hope the Leader of the Government will act on this issue.

I will leave the leader with a few other quotes. The Children's Aid Society of Toronto states the following:

ISS provides a vital service to children, especially in Canada's immigration capital of Toronto . . . for many children, ISS is a bridge to an opportunity for a better life.

From Yvonne Gomez, a concerned citizen, we have this quote:

Canada is a nation built on immigration and because of this families are diverse and complex. If Canada wants to continue to be a global leader then it needs to recommit to its citizens by supporting ISS Canada.

The President of Asian Heritage Month states the following, "Just last year alone, it served 534 inter-country cases involving Canada and 58 other countries."

Many countries have made representations. For the record, Agnes Casselman, the executive director of International Social Service Canada stated the following:

ISS Canada has lost its federal funding support from the Consular Affairs Bureau after March 31, 2007, and we are in jeopardy of closing unless a new source of federal funding can be secured immediately.

I want to tell the Leader of the Government in the Senate that I appreciate her answer on the first question, and I hope that action will take place.

Senator LeBreton: We are proud of our government's work in the world community, especially for children. After all, it was former Prime Minister Mulroney who co-chaired the 1990 UN World Summit for Children and sought the services of former Senator Pearson while he was Prime Minister.

With respect to International Social Service Canada, the honourable senator mentioned a figure of \$150,000. I thought that was an odd figure. I am quite certain that the Department of Foreign Affairs and CIDA spend many millions of dollars on humanitarian work for children and underprivileged people around the world. I will ask on what the \$150,000 was being spent.

• (1410)

As I said earlier in response to Senator Munson, I will get an answer as quickly as possible.

[Translation]

HUMAN RESOURCES AND DEVELOPMENT

POSSIBLE BUDGET CUTS TO NEW HORIZONS PROGRAM FOR SENIORS

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate, in her capacity as Secretary of State for Seniors. A number of programs have been eliminated in the past year, which is seriously impeding the development and advancement of our communities across Canada.

There is a rumour that the government is thinking of slashing and eliminating the New Horizons for Seniors program. As we are all aware, seniors across Canada very much appreciate this program. The program funding does not represent a great deal of money, but this program is very important to seniors.

Can the Leader of the Government in the Senate tell us whether it is true that the government intends to eliminate the New Horizons program?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I have been spending much time lately meeting with seniors' groups. They are expressing concerns in areas on which we naturally agree — income security, personal security and health issues.

I will not respond to rumours or speculation. The seniors' groups with which I have met are extremely happy with the decision of the government on pension income splitting, the increase in personal exemptions and the increase in financial portfolios in the last budget.

I have neither heard nor read the rumour of which Senator Chaput speaks. None of the seniors' groups with which I have met have raised it with me. I will make inquiries as to the source of this rumour and will get back to the senator.

[Translation]

Senator Chaput: Honourable senators, if memory serves, in recent months, what was rumour became reality, and then it was too late to react. Can the Leader of the Government in the Senate assure us that the government does not intend to eliminate the New Horizons program?

[English]

Senator LeBreton: Honourable senators, as I have said, I will not respond to a rumour or hypothetical question. I am working very hard with seniors' groups, the Minister of Health, the Minister of Human Resources and the Minister of Finance to develop programs that will give our seniors the assistance they deserve. Having worked hard all their lives, paid taxes and raised families, they have every right to expect to live their later years in as much comfort and security as possible.

[Translation]

SECRETARY OF STATE FOR SENIORS

DISCUSSIONS WITH SENIORS GROUPS ON NEW HORIZONS PROGRAM FOR SENIORS

Hon. Maria Chaput: Honourable senators, I wish to inform the Leader of the Government in the Senate that I have not yet received an answer to my question. Has the New Horizons program ever been raised in discussion with seniors' associations and groups?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): No, it has not been raised with me.

• (1415)

[Translation]

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker *pro tempore*: I am ready to rule on the point of order raised yesterday by Senator Comeau when adjournment of Bill S-222 was proposed.

[English]

At the end of the initial speeches on the bill, Senator Moore moved that further debate be adjourned to the next sitting and that the item stand in the name of Senator Jaffer.

[Translation]

Senator Comeau rose on a point of order to argue that, since Senator Jaffer did not appear to be present at the time, the item should not be adjourned in her name. This led to a discussion of

the practice of adjourning an Order of the Day in the name of a particular Senator. During this discussion some Senators asserted that items have often been adjourned in the name of another Senator, while others considered this a questionable practice.

[English]

After discussion on the point of order, the item was adjourned by Senator Moore, seconded by Senator Robichaud, as indicated in yesterday's *Journals*, at page 1016. Given the different views that had been expressed, I indicated that I would address the matter in a ruling. Senator Fraser then rose on another point of order to express concerns about a recent tendency to refer to absent senators and to encourage senators to avoid this in the future, a point that Senator Comeau noted reinforced his position on the original point of order. I indicated that I would also address this issue in the same ruling.

[Translation]

Let me begin by reading Rule 49 in its entirety:

49.(1) A motion to adjourn a debate on an item, other than an item of government business, shall be deemed to be a motion to postpone that debate to the day specified in the motion, or, if no day is specified, to the next sitting day. In either case, the said item shall stand on the *Order Paper* in the name of the Senator who moved the adjournment, or another Senator, if so indicated.

[English]

(2) A motion to adjourn the debate on any item of government business shall be deemed to be a motion to postpone that debate to the next sitting day. In this case, the item shall not stand on the Orders of the Day or the *Order Paper* in any Senator's name and may be called pursuant to rule 27(1).

This rule is key in dealing with adjournment of debate in a senator's name, and it leads to conclusions of relevance, depending on whether the item is government business or not.

[Translation]

With respect to government business, under rule 49(2) items are adjourned to the next sitting of the Senate and do not stand in the name of any particular senator. In practice, a senator's name will sometimes be specified when the motion for the adjournment of an item of government business is proposed, but this is of no procedural weight and the name does not appear on the *Order Paper*. Instead, it is an indication that a particular senator is interested in speaking to the matter.

[English]

In the case of an item of other business, rule 49(1) is clear that, when adjourned, it will stand either in the name of the senator who adjourned debate or in the name of another senator, if so specified. Accordingly, it is acceptable to move a motion to adjourn debate in another senator's name. The rules allow this, and practice confirms it. Indeed even substantive motions, which can trigger debate, are sometimes moved by one senator on behalf of another, as in the case with motion 131 currently on the

Order Paper, which was moved by Senator Tkachuk for Senator Segal. Similarly, rule 56(3) allows for notice by one senator for another senator not then present.

[Translation]

Of course, adjournment by one Senator in the name of another will most frequently occur if the Senator in whose name the item is adjourned happens to be away from the Chamber. A senator who expects to be absent, but who wishes to speak to an item, may ask a colleague to adjourn debate in the absent senator's name.

• (1420)

This does not mean that the senator in whose name an item is adjourned has a monopoly on speaking to it next and can therefore hold up debate. This matter was addressed in a ruling by Speaker Molgat on December 10, 1996, which appears at pages 744 and 745 of the *Journals*. This ruling noted that, although an item of other business may be adjourned in a particular senator's name, this

... does not give that Senator alone the right to decide if that item will be proceeded with, though it has sometimes appeared that way because of the courtesy usually extended by the Senate towards the Senator who adjourned the item.

The ruling goes on to note that:

Should the Senate decide to debate the item, the Senator who had adjourned it will usually be accorded the opportunity to speak first; otherwise any other Senator will be recognized to speak.

Therefore, a senator in whose name an item is adjourned has the right to speak first when it is next debated. If, however, another senator is ready to speak and the senator in whose name the item stands is not, the senator who is ready to speak has every right to do so.

[English]

As to the matter of referring to senators who may or may not be present, *House of Commons Procedure and Practice* by Marleau and Montpetit is clear, at page 188, that "the Speaker has traditionally discouraged Members from signalling the absence of another Member from the House because 'there are many places that Members have to be in order to carry out all of the obligations that go with their office.'" This is just as much the case for senators. Similarly, *Beauchesne's*, at page 141, citation 481(c) of the sixth edition, prohibits reference to the presence or absence of specific members. This general caution applies most clearly to debate, and I should note that the very wording of rule 49(1) does provide the basis for an exception when dealing with motions to adjourn debate, as I outlined earlier. In other cases, where our rules require the recognition of a senator's absence, such as rule 11 under which the clerk must inform the Senate of the Speaker's unavoidable absence before the Speaker *pro tempore* takes the chair at the beginning of a sitting, reference to this absence is entirely appropriate, indeed required. Moreover, information about attendance is readily available in the *Journals* and the *Attendance Registry* — in fact, the Senate has a comprehensive regime for tracking senators' work. Nonetheless, senators should be cautious in referring to the absence of members in debate.

[The Hon. the Speaker]

[Translation]

In conclusion, I find that the proposal to adjourn debate on Bill S-222 in the name of another senator was in order.

[English]

ORDERS OF THE DAY

NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

BILL TO AMEND—THIRD READING—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Nolin, for the third reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act;

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Pélipin, that Bill S-3 be not now read a third time but that it be amended as follows:

In clause 4,

(a) on page 14, by adding after line 24 the following:

"(1.1) If the Chief of the Defence Staff is considering making a determination, he or she shall notify the Minister before making the determination.

(1.2) The Chief of the Defence Staff may make a determination only if he or she is of the opinion that the operational reasons are of such an exigent nature as to outweigh the public interest in applying the provisions of this Act that would, but for the determination, be applicable in the circumstances."; and

(b) on page 16,

(i) by adding after line 3 the following:

"(6) The Chief of the Defence Staff shall, every 15 days after making a determination under this section, consider whether the operational reasons continue to apply and, if they do not, shall revise the date on which the operational reasons cease to apply accordingly.

(7) Subsection (6) applies until the date that is provided in the notice under subsection (4) as the date on which the operational reasons cease to apply, unless a revision is made under subsection (6).

(8) If a revision is made under subsection (6),

(a) the Chief of the Defence Staff shall, without delay, notify the Provost Marshal of the revision;

(b) the Provost Marshal shall, without delay, notify the person who is the subject of the determination of the revision;

(c) in the case of a determination made under paragraph (1)(b) or (c), the Provost Marshal shall, without delay, notify the persons referred to in paragraph (5)(a) or (b) of the revision and of the revised date on which the suspension of the time limit or proceeding ceases to apply; and

(d) a person who registers information for the Provost Marshal shall revise the date that was registered under paragraph 8.2(7)(a) of the *Sex Offender Information Registration Act* as the date on which the suspension of the time limit, proceeding or obligation ceases to apply,” and

(ii) by adding after line 31 the following:

“227.171 (1) The Chief of the Defence Staff shall, within 30 days after the end of each year, submit a report to the Minister on the operation of sections 227.15 and 227.16 for that year that includes

(a) the number of determinations that were made under each of paragraphs 227.15(1)(a) to (d) and the duration of the suspension of the time limit, proceeding or obligation resulting from each determination; and

(b) the number of determinations that were made under subsection 227.16(1) and the number of persons who were exempted under subsection 227.16(4) as a result of each determination.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives the report.”.

Hon. George Baker: Honourable senators, it will just take a couple of minutes to make my observation on this bill at third reading, and it is perhaps the best reason I can think of today to not support term limits in the Senate.

An Hon. Senator: You have the wrong bill.

Senator Baker: It is not the wrong bill.

This bill before us today is an excellent example —

Senator Comeau: Point of order. Are we on Bill S-3 or Bill S-4?

The Hon. the Speaker pro tempore: We are on Bill S-3. Senator Baker wishes to speak to Bill S-3.

Senator Baker: I am on Bill S-3.

I began my remarks that way, honourable senators, because this bill is not directed toward us for sober second thought. This is “sober first thought.” I cannot think of any other occasion in our history where we have had legislation changing the Criminal Code, the National Defence Act and the Criminal Records Act introduced in the Senate, which is to then go to the House of Commons. I do not think it has ever happened before. We are making history.

As one senator said, the bill is not *functus officio*. It is within the jurisdiction of the Senate to proceed in this manner and it is to the advantage of the government. I congratulate the government. However, in so doing, there is clear recognition that there should not be term limits in the Senate.

Before I go on, I want to congratulate Senator Oliver for the great job he did in chairing the committee that studied Bill S-3. I wish to thank Senator Di Nino for his work on the committee, as well as Senator Nolin, Senator Andreychuk and Senator Stratton. I want to thank Senator Joyal, who has moved an amendment to the bill. Senators Milne, Fraser and Ringuette also worked very hard in committee on this bill. They are good examples of why there should not be term limits for senators.

Honourable senators, Bill S-3 will go back to the House of Commons as a major piece of legislation involving the Criminal Code, the National Defence Act, the Criminal Records Act and the Sex Offender Information Registration Act. When the bill came to the Senate, no matter if it had come to this place first or second for sober second thought, the first thing that struck certain members of this committee, especially on the other side, the government side, was that they could remember not eight years ago, which is the limit prescribed, but nine years ago, when the original bill came before the House of Commons and the Senate. It was to give the courts martial the right to try cases under the Criminal Code. Prior to 1998, if a soldier was charged with an indictable offence under the Criminal Code, they would be tried in a civilian court. However, nine years ago, we gave the courts martial the right to try criminal offences under the Criminal Code.

This is the first bill that has now come forward relating to that permission. Honourable senators, when something major like that is done there is a provision in the legislation for a five-year review. That five-year review was done by the former Chief Justice Lamer. We are talking about institutional memory when we talk about this bill.

In other words, what were the main elements of this piece of legislation? You can think of it when you look at the amendment of Senator Joyal. I ask all senators to support this particular amendment.

The amendment, fellow senators, has to do with the evidence given before the committee. Under the Sex Offender Information Registration Act, when somebody is registered under normal circumstances, the registry is immediate and automatic. In some cases, in the military tribunal, that determination was not carried through immediately. In other words, for operation reasons, for reasons of urgency or placement, the registration was delayed. This amendment narrows that time period and it says as Senator Joyal said, "in exigent circumstances." "Exigent circumstances" is a term you see in a lot of legislation to permit police officers, for example, to conduct an arrest without a warrant. Under this legislation, if there are exigent circumstances, an explanation must be given.

• (1430)

We passed this legislation in 1998, not knowing what the ramifications would be to have people tried in a court martial for a criminal offence. Chief Justice Lamer passed judgment on it five years later and commented that we had to be very careful because the military tribunal judges serve five-year appointments. At the end of that period, they are reappointed on the recommendation of their superiors. Chief Justice Lamer made the argument that the tribunal might not be impartial under the sections of the Charter of Rights and Freedoms that deal with legal rights.

Chief Justice Lamer also pointed out that the military tribunal process is different. There is no such thing as a jury. A person charged in a civilian court has a right to make a choice between a jury or a judge, except if it is first degree murder, in which case the person does not have a choice. I could never understand that. A person has a choice in a civilian court but a soldier does not have that choice in the military. The soldier must face a military tribunal. The Crown prosecutor makes the choice. The opinion was passed that it was perhaps a violation of the Charter that the Crown prosecutor would make a determination not between jury and judge alone but between judge alone and a panel of judges.

The committee looked at the Lamer report at what happened nine years ago with the legislation, and at the case law. The committee discovered that under the case law there were many cases of recent vintage in which the judges declared that there were clear violations of the Charter for the very reasons that Justice Lamer had signified in his five-year review.

Honourable senators will see the observations sent from the Senate to the House of Commons, and will have the benefit of the observations and of the institutional memory of the Senate and of a legitimate amendment given on the evidence at the committee hearing. You might say, honourable senators, that this is perhaps a first in that it is a sober first look, an opportunity for the Senate to show the institutional knowledge that it has that dates back nine years, and not eight years, and it allows those people in the other place to have a look at it and to hopefully approve the amendment that Senator Joyal has put forward.

On motion of Senator Cowan, debate adjourned.

[Senator Baker]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, An Act to amend the Constitution Act, 1867 (Senate tenure).

Hon. Elaine McCoy: Honourable senators, I am very pleased to be back in this house. I am delighted to stand here today as an Albertan to speak to Bill S-4. I was a cabinet minister in Alberta in 1989, when we were the first in Canada to institute the modern democratic process of a Senate selection race. I want to speak to you from my experience and share some of the expectations at least of some Canadians who have been long and deeply committed to Senate reform.

While I was trying to think how I would convey to you the depth of our feelings and the strength of our passion on that subject, I tried to think how I could get you to share, even if only for a few moments, what it feels like and what it means to us to have true Senate reform. I started thinking back to what might be a common experience to many of us in this room, and that was the very first federal election that I was eligible to vote in, which was 1968. Some of you might be too young to remember that, but in that year Pierre Elliott Trudeau came forward as the leader of the Liberals. What a breath of fresh air he seemed to us. I know I was truly excited about the Just Society that he brought forward. It seemed to many of us that here was our very own JFK; here was a chance for our next great leap forward as Canadians. The future was bright, it was exciting, and we all rallied behind him.

In Alberta, at just about the same time, we had a similar experience, because in 1967, Peter Lougheed emerged on the political scene and by 1971 formed the new government. Suddenly we were taken out from under the yoke of the old Prairie Bible Institute and the old Sunday school lectures and had this energetic, young, Harvard-trained lawyer to lead us into the future. How exciting it was. Senator Hays remembers that. Mr. Lougheed almost shimmered. Here we had another leap forward as Albertans, and we were enthusiastic and we followed him eagerly. We did that all through the 1970s and 1980s.

One of the first things Peter Lougheed did, which surprised and delighted us, was to say that all these natural resources that we own are for the people. The public interest in those resources was so great that we wanted, and he got, a bigger share. He wanted a bigger share of our oil and gas industry for the purpose of dedicating those revenues to the public interest. He succeeded and we had new schools, roads and, airports. We had new university help for students like me. We were creating a bright new future for ourselves.

At the same time, we were Canadians. We felt that the public interest in our resources went beyond our borders. This is not something that we perhaps communicated very well to the rest of Canada, but we did invest in Canada. We invested in projects in British Columbia. We invested in projects in the East. We lent

money to provinces at low or no interest. We reached out to Canadians because we believed, as Albertans, that we had an important role to play in this country and that we wanted to play a sustaining role in Canada, as good Canadians.

• (1440)

We were growing, and I am sure we were getting a bit cocky by this time, but what happened next? In 1980, the National Energy Program was suddenly dropped on our heads. I cannot tell honourable senators, but I can try to convey the sense: it was like a stab in the heart. It hit us in our collective pride; it was like a betrayal. We were angry and we were shocked, so Premier Peter Lougheed went to battle with Ottawa on Alberta's behalf. He did so in ways that we understood — even though we regretted at times some of those ways — to try to change the NEP and make it a bit fairer. We agreed to share with Canadians, but we wanted it to be a little fairer.

Please understand, I am not whining about the National Energy Program but, rather, I am trying to share with honourable senators how we felt about the situation. We realize that there was an economic depression at the time, but with the NEP, the shock to Alberta's economic system was so deep. I remember door-knocking with Peter Lougheed, our MLA at the time, in a fairly new subdivision close to where I lived then and still live today. As we went from door to door we heard mostly from young people. We asked how it was for them. They said that they were scared they might lose their jobs, be unable to pay their mortgages and, therefore, lose their homes. They were scared for their children and what they might have to face. We were scared, and underneath all our anger and shock was that fear.

However, the situation started to improve. Then, in 1982, we were taken aback again with the great repatriation, which we supported, but I was amazed that it could go forward without Quebec. I should mention that all through the 1970s and 1980s, Quebec was our strongest ally. If we had aspirations and expectations in Alberta, who understood them first and foremost? Quebec understood. Who was as energetic, as well-prepared and, sometimes, as cocky as Albertans? The Quebec contingent was. Alberta bonded with Quebec. All through our various growth patterns, we were best friends with Quebec. When repatriation happened, it stunned us to learn that it would go forward without Quebec.

Things settled down a bit after that and actually began to get better. Peter Lougheed was a long-term thinker, as honourable senators will recall, and in 1983 he started thinking ahead about all of this. We were Canadians, we wanted to be in Canada and we weathered this storm. Surely there were some federal institutions designed to prevent what happened in Alberta from happening again. Of course there is such an institution; it is the Senate of Canada.

We looked at the Senate and recognized that its whole purpose is to protect regional and minority interests. However, what went wrong in 1980, for example? Our perception was that there was a power failure. We started to consider what caused this power failure in the Senate.

The design of the Senate is based on a very age-old tradition which is strong in both the francophone stream of philosophy as well as the anglophone, leading one to think of Alexis de Tocqueville and John Stuart Mill. I quote de Tocqueville:

I consider unjust and ungodly the maxim that, in matters of government, a majority of the people have the right to impose their will.

They were the ones who coined the phrase "tyranny of the majority." All free societies reach out for ways that will protect us from the tyranny of the majority. The majority is a good way to go for the other place, and we support that. However, in a democratic and free society, we need something to mitigate the tyranny of the majority and, in Canada, that is the Senate.

What to do about the Senate? In 1983, the Alberta legislature, under the leadership of Peter Lougheed, convened the Select Committee on Senate Reform. The committee travelled across the province and across the country. The first priority of the committee, having in mind Alberta's good allies, including Quebec, was equality of the provinces. The second priority was effectiveness. The third priority was the conundrum: how to make it effective and how to help the institution stiffen its resolve, as one witness put it last September, in speaking for the regions and for minorities. That was the biggest puzzle of all.

Our observation, in part, was that party discipline occurred in the Senate. One of the institutionalized forces that militates against the ability of individual senators to stand or band together around regional and minority interests is party discipline. I have observed that in the Senate as well. The Prime Minister selects the Speaker. When there is a change in leadership in either the Prime Minister's Office or the Office of the Leader of the Opposition, a change in leadership happens in the Senate. The seats that senators are assigned depend on the agreement between the two parties. The rules are primarily focused on the two-party system. With all the best will and intention, there is an institutional pull toward banding around party discipline and toeing the party line.

Perhaps what shocked me most is that MPs and senators caucus together. If any one thing can lead to that banding around party loyalty, it is the caucus system. Believe me, because I was part of it, I know. It is like a family, and I thoroughly endorse it for the other place and, certainly, for the legislature. That is responsible government. However, what does it do to the essential fabric and constitutional function of the Senate? Honourable senators, do not get me wrong; I do not believe it should be abandoned entirely. However, we observed in Alberta, and I observe it today, that that can militate against the Senate's constitutional function. It is good for responsible government, but sometimes very bad for regions and minorities.

Our first preference to mitigate that natural trend was to say that senators should be nominated by the Premier or the provincial legislature, because that would keep the provincial loyalties stronger. Well, the idea did not fly. Peter Lougheed spoke to the issue many times before various groups around the province and elsewhere, and Albertans simply were not buying it. It was also difficult for people to identify with the reality of the party discipline system and difficult for a first minister — prime minister or premier — to talk too much against it because they rely upon it, and thereby use it all the time in their respective experiences. Elections resonated, so in 1985, when our committee reported, we went with elections. However, even when we were passing that first Senate selections act, we kept saying it must be provincial elections because we need to bind the hearts and minds of our senators and keep them close to home.

• (1450)

We went into Meech Lake under Don Getty because we believed in the equality of provinces and because we wanted Senate reform. In 1987 Meech Lake was signed. It included a three-year waiting period to give all jurisdictions, provinces and the federal government, time to ratify. We fully anticipated it would be ratified. Meech Lake, especially in its last and improved version, spoke about a commitment to Senate reform and the fact that senators should be elected. In 1989, we moved to put a provincial selection process together to get ready for Meech Lake's implementation. That was the understanding Don Getty and others, Jim Horsman included, put forward, which was understood generally to be what we were thinking: equality of provinces, an effective body and a provincial selection process.

We were so disappointed when, late in the process, Elijah Harper raised a feather in Manitoba and the accord did not pass. It had to pass unanimously, so it was dead. Where were we then? We were definitely without a paddle — and you know which creek we were up. All our hopes and expectations for a reformed Senate, so that we could play a sustaining role in Canada as Albertans, went down the tube.

One of our worst fears was that, in keeping the debate alive, people would grab on to this simplistic solution of elections and forget the fundamental reforms of equality, effectiveness, and some legitimate way of selecting senators that would not be in the hands of the federal party system which led so strongly to control by prime ministers and leaders of the opposition.

The Hon. the Speaker pro tempore: Honourable senator, I am sorry to interrupt, but your time is up. Are you asking for more time?

Senator McCoy: Yes. May I have more time?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes more.

Senator McCoy: Meech Lake was dead, very dead. We felt that all we had asked for was some true Senate reform. What did we get instead? We got the Reform Party. Look where that has got us now.

Without further ado, let me fast-forward to today. I am sorry to say this, but we are facing the worst of our fears: Bill S-4 and Bill C-43, which are to be taken in conjunction. As one of the witnesses in committee said, in the right combination of details — and we can never take one detail without all the fabric and dynamic of whatever is being done to this great institution, the Senate — Bill S-4 would be a power grab. We have gone from a power failure to a power grab, where the Prime Minister would have the ability to make many appointments and to make people dance upon his or her attendance in trying to be reappointed. Bill C-43 sets up a federal election, or consultation process, that is heavily weighted in favour of federal political parties. It is really a companion piece to the Canada Elections Act. Once again, the initiative is not a provincial one in choosing and nominating senators.

Where, in the proposals put forward to date by this government, is attention to the real, true reform that we wanted? Where is the equality? That must come before all else.

[Senator McCoy]

An old law professor of mine used to say that “text out of context is pretext.” I will say that acts out of context are pretexts as well.

Honourable senators, I cannot support Bill S-4. I cannot support anything that does not address the fundamental and true reforms that we in Alberta have looked forward to.

I am happy and proud to be a senator. I am happy and proud to be a participating member in forwarding this debate, and I am proud to be a Canadian. I want to see us move forward with all the imagination and brilliance we can muster. As we do so, we must listen to the voices of people like Senator Watt, who, all through the committee, spoke so strongly for a significant minority; and Senator Hubley, who spoke so eloquently for one of our smallest regions; and Senators Murray and Austin, who I congratulate for bringing forward the real issue — I would prefer to see equality, but there is a reality as well — and that is the path we must follow. I would be pleased to follow it with you.

Hon. Tommy Banks: Honourable senators, I am not supposed to speak now. I apologize for butting in, but I am moved to speak by Senator McCoy's eloquence and the accuracy and the passion with which she has described how we from Alberta have sometimes come to this place.

She left one blank about the other two people who invented the concept of the “tyranny of the majority.” One was John Stuart Mill, who distilled it into one sentence in which he said:

If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he the power, would be justified in silencing mankind.

The Hon. the Speaker pro tempore: Honourable Senator Banks, I am informed that you spoke to this issue on June 2.

Senator Cools: He can ask a question.

The Hon. the Speaker pro tempore: Are you asking a question, or are you participating in the debate?

Senator Banks: I will put it in the form of a question. I apologize. I was unaware that I had spoken before.

Senator Rompkey: Let Alberta be heard.

The Hon. the Speaker pro tempore: Honourable senators, I regret to inform you that Senator McCoy's time has expired.

Hon. Lorna Milne: I move adjournment of the debate, honourable senators.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: All those in favour of the motion to adjourn will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those against the motion to adjourn will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "yeas" have it.

An Hon. Senator: On division.

On motion of Senator Milne, debate adjourned, on division.

• (1500)

STUDY ON CONCERNS OF FIRST NATIONS RELATING TO SPECIFIC CLAIMS PROCESS

REPORT OF ABORIGINAL PEOPLES COMMITTEE AND MOTION TO REQUEST GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Segal, that the fifth report of the Standing Senate Committee on Aboriginal Peoples entitled *Negotiation or Confrontation: it's Canada's Choice*, tabled in the Senate on December 12, 2006, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Indian Affairs and the Minister of Justice being identified as Ministers responsible for responding to the report.
—(Honourable Senator Tardif)

Hon. Nick G. Sibbeston: Honourable senators, I wish to say a few words regarding the study and report that the Standing Senate Committee on Aboriginal Peoples provided. It is an absolutely wonderful report and I encourage all honourable senators to read it. It is current and concerns an issue vital to our country — the matter of dealing with the outstanding claims of First Nations people. This is a very important matter because if we do not resolve these problems, our country will again be faced with incidents like Ipperwash and Oka. As a country, we need to deal with these land claims.

Our committee has done excellent work. We reviewed the matter. We heard many witnesses, did some travelling and we issued an excellent report that I hope the government will take seriously.

I will read a little bit of the foreword, which encapsulates the seriousness of the problem and why it needs rectifying. Why are there so many problems?

Canada's failure to address and resolve the legitimate claims of First Nations.

Imagine your new neighbour comes into your backyard and fences off half of it. Then he sells it to someone down the street. This new neighbour tells you he got a good deal but he won't say how much he got. Then, he says that he'll take care of the cash — on your behalf, of course.

Maybe he even spends a little on himself.

You complain. He denies he did anything wrong.

What would you do?

Go to the proper authorities? Turns out that the authorities and their agencies work for him.

Sue him? He tells you that none of the lawyers can work for you — he's got every one in town working for him. When he finally lets a lawyer work for you — it turns out that he can afford five of them for every one you can afford.

Finally he says: Okay, I'm willing to discuss it. But first you have to prove I did something wrong. Oh, and I get to be the judge of whether you've proved it. And, if you do prove it, I get to set the rules about how we'll negotiate. I'll decide when we've reached a deal and I'll even get to determine how I'll pay the settlement out to you. Oh, and I hope you're in no rush because this is going to take about twenty or thirty years to settle.

This little story exemplifies the difficulty of First Nations in dealing with past grievances. We used such a simple story to make the point that First Nations have many problems dealing with their past grievances.

First Nations have the onus of identifying the problem, and then they have to go to Indian Affairs. Indian Affairs has to decide whether the grievance is just and should be dealt with. Eventually, it goes to the Department of Justice and it can stay there for years and years waiting for their opinion.

Eventually, it comes out of the Department of Justice. If there is a basis to the claim, then negotiations occur; but they are with the Department of Indian Affairs, with whom you have the grievance in the first place. It is all in-house.

The federal government is the judge and jury in this matter. First Nations are up against a very difficult system that is in place to deal with our grievances. This is why, throughout the country, we have had instances where grievances have caused sparks and clashes.

The clash that we have at the moment at Caledonia is an example of a long historical grievance that has never been settled. It comes up in a flash and our society is left to resolve a difficult problem.

Coming from the North, I was initially not aware of the problem of specific claims because we only have one small reserve and not many specific claims have arisen. We are fortunate in the North that we have land claims that have been settled in the last 20 years. Most of the claims and concerns of Aboriginal people have been dealt with in a satisfactory manner. We have what are called modern treaties, modern settlements that have been made with the First Nations, with the Inuit and, in some cases, with the Metis people. We in the North are fortunate in this matter.

Specific claims are abundant in Southern Canada, where Canada's relations with the First Nations have gone on for many hundreds of years. There has been a process of putting aside lands for native people. Over the course of many years, things have happened. Some of the lands have been reduced; lands have been taken back by the federal government for roads and other development. Out of this long historical process, the First Nations have many grievances that they are attempting to have resolved.

Primarily, I have learned through this process of dealing with specific claims that the federal government has in place a frustrating process. I do know that if this program were in place for ordinary Canadians, they would not be very tolerant and it would not take long for them to say that it does not work. Something would be done about it. Perhaps because First Nations are not as influential and strong as the rest of society, it has been left for them to deal with in a frustrating manner.

I know that people see the images of confrontation at Oka, Ipperwash or Caledonia and wonder why Aboriginal peoples are mad — what do they want? The answer is simply that they want justice. When an incident like that occurs, it is really because of a long-simmering, agonizing frustration that the normal system has not dealt with. They turn to violence in an attempt to get attention and have the matter resolved.

• (1510)

The First Nations have generally been patient, but sometimes patience runs out. Oftentimes the grievances do not take a minor five, 10 or 15 years to resolve. Sometimes they go back 50, 70 or 100 years.

One must also remember that until about the 1960s, it was not possible for First Nations or Aboriginal people to hire lawyers to help them deal with these cases.

Almost any time you see a First Nation occupy land or block a road, there is a specific claim somewhere in the background. Specific claims arose when Canada failed to live up to its agreements with First Nations. In some cases, they did not grant land as promised in the treaties. In some cases, First Nations obtained land only to have it taken away in a manner that violated Canada's own rules. In other cases, federal employees improperly took Indian money and other assets.

Many of these cases date back decades and some date back centuries. For years, First Nations were prohibited by law from pursuing these claims. Even now, it can take 15 or 20 years for claims to be settled, and often the settlement is limited and grudging. "Take it or leave it" seems to be the prevalent attitude.

More than 25 years of efforts have settled nearly 300 claims. In every case, those settlements have made a positive economic difference, both for the First Nations and the non-Aboriginal communities that surround them.

However, nearly 900 claims are backlogged, and that number grows every year. There are many problems with the specific claims process, but it comes down to two main issues: resources allocated to the process and the process itself.

Canada needs to put more money and staff toward adjusting the time it takes for the resolution of claims. It needs to set aside a lot more money for the payment of claims when they are resolved.

We have heard testimony from government officials recognizing that the Department of Indian Affairs, for example, does not have sufficient money and there is great staff turnover. With respect to the Department of Justice, it takes them a long time to deal with the legal aspects of claims as they, in turn, do not have enough staff and they as well turn over frequently. That adds to the problem of delay in the system.

Canada must recognize that specific claims are not just a program. Rather, they are a contingent liability, an actual debt that Canada owes First Nations. The Leader of the Assembly of First Nations, Phil Fontaine, has stated this.

At the moment, we deal with the problem like we do a government program, but it is more than that. It is a debt of our country that ultimately needs to be cleared up. The money for dealing with this should be seen accordingly.

This problem runs deeper than just money. Canada is in an inherent conflict of interest when it comes to specific claims. Canada was responsible for the acts that led to these claims being made, and Canada is also responsible for trying to resolve them. Canada acts as both defender and prosecutor, not to mention judge, jury and executioner.

The claims are dealt with by a section of the Department of Indian Affairs and Northern Development. We all feel, and all the witnesses who came before us have stated, that we need an arm's-length independent body apart from Indian Affairs who can judge these claims and render an independent judgment.

The federal government in the late 1980s and 1990s set up a joint task force comprised of Aboriginal people and department officials in an attempt to come up with a solution. It was a compromise solution for both Canada and the First Nations, and Bill C-6 was eventually a result of that work. However, that bill fell short. It was not quite what the Aboriginal people had wanted and requested. When we dealt with Bill C-6, we thought it was a small step forward and believed we could make incremental increases and improvements to that process. Therefore, we passed it.

Since that time, the federal government has not proclaimed the act because of resistance by Aboriginal peoples throughout the country. The bill sits there doing nothing, and the Aboriginal people of our country are still looking for a solution.

The committee's report recommended an allocation of more resources to make the existing process work faster and more fairly. It also recommended that there be consultation with First Nations to design a better process, ultimately an arm's-length organization.

The alternative to finding solutions to this problem is that I think our country will face more conflict by First Nations.

The Minister of Indian Affairs and Northern Development, Mr. Jim Prentice, appeared before our committee. For 10 years he served as Commissioner of the Indian Specific Claims Commission of Canada, so he is experienced and very

knowledgeable about this issue. As a minister, he seems interested in seeing the matter resolved and wants to do something.

Senator St. Germain has been an excellent chairman of our committee. All committee members have worked in a non-partisan way to find answers. We have said and we feel that if ever there was a chance in government to have reports such as this accepted by the government and acted upon, it is now. Mr. Prentice, who is fairly high up in government, can respond to the problem and act on the recommendations we made in our report. I feel that Mr. Prentice understands the problem.

I urge honourable senators to read the report. It is good reading and provides a solution to a real problem that exists in our society. When it comes to honourable senators voting to support and adopt the report, I hope they will urge the federal government to adopt it as well and do something concrete.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1520)

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

MOTION TO AUTHORIZE COMMITTEE TO STUDY EFFECTIVENESS OF CANADA'S PROMOTION OF DEMOCRATIC DEVELOPMENT ABROAD— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, for the Honourable Senator Segal, seconded by the Honourable Senator Stratton:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context; and

That the Committee shall present its final report no later than December 31, 2007, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until March 31, 2008.—(Honourable Senator Corbin)

Hon. Eymard G. Corbin: Honourable senators, I announced yesterday that I would be presenting an amendment to Senator Segal's motion.

I feel it is important to clearly indicate the committee's intentions from the outset when it begins examining any given topic.

In the past, for this type of motion, there was usually some indication as to whether the committee planned to travel, either within Canada or abroad. For reasons unknown to me, this requirement was reduced to an administrative issue and it is now being suggested that permission be requested when a budget is presented.

In my humble opinion, before passing a motion, honourable senators have the right to know at the outset whether or not the committee plans to travel.

Last week, when Senator Tkachuk moved the motion, speaking on behalf of Senator Segal, he said — and perhaps he was simply mistaken, since he seemed to be speaking on behalf of Senator Segal without the benefit of any notes — that the committee would not travel and would incur only modest expenses.

When he spoke yesterday, Senator Segal said:

[English]

Our budgetary requirements, when that matter is discussed, will be modest and we are not contemplating excessive travel.

[Translation]

Nevertheless there is a difference between “no travel” and “excessive travel”.

MOTION IN AMENDMENT

Hon. Eymard G. Corbin: Honourable senators, for the purposes of clarification, I move, seconded by the Honourable Senator Day:

That the motion be amended by adding after the first paragraph the words:

“That the Committee be authorized to travel outside Canada for the purpose of its study;”

On motion of Senator Comeau, debate adjourned.

[English]

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(Honourable Senator Mercer)

Hon. Grant Mitchell: Honourable senators, it is my pleasure today to speak on the inquiry of my colleague Senator Fairbairn calling the attention of the Senate to the state of literacy in Canada.

[Translation]

As Senator Fairbairn noted, the low literacy rate is a national disgrace and too little has been done about this problem.

The \$17.7 million dollar budget over 12 years recently announced by the Conservatives for regional and local literacy programs gives credence to that statement.

[English]

This is just one more example of a government that caters to a narrow sector of the electorate with tax cuts and other short-sighted solutions while ignoring those who are marginalized and have no lobby groups like the National Citizens' Coalition to speak for them.

In addition to the devastating social impact of these cuts, it is also evidence of the economic short-sightedness of this government's ideological agenda and highly ironic that this government, which would promote itself, as so many Conservative governments do, as being good for an economy, cannot see how literacy programs are an essential element of a strong economy.

All major studies show that literacy is linked to productivity, international competitiveness, and ultimately gross domestic product growth. In fact, according to Statistics Canada, a 1 per cent increase in literacy rates correlates to a 2.5 per cent increase in GDP. That means that if Canada increased literacy by 10 per cent over a decade, our GDP would increase by \$118 billion, or by 15 per cent. This is the kind of return on investment that the Conservative government literally calls "wasteful spending."

Every penny invested in literacy has a multiplier effect on the economy. The Conservative government claims that the programs they are cutting are not the responsibility of the federal government. In fact, the federal government is in a position to provide the most cost-effective funding because it can provide information and programming to local agents while avoiding duplication.

The National Literacy Secretariat, in fact, provides vital infrastructure to all the literacy programs across the country, fewer now than there were before the Conservative government got started. Without the resources and central coordination role of the National Literacy Secretariat, programs across the country have lost an important resource for curriculum development, learning materials and professional development for educators.

The impact of these cuts, therefore, will be multiplied by the loss of pooled resources and national partnership. The catalyst that the National Literacy Secretariat is will be lost, as will the energy and drive that it has provided literacy programs across the country.

The government claims that these cuts are aimed at the elimination of local and regional programs because these would be better funded by other levels of government. Of course, they have not gone to the trouble of ensuring that other levels of government would actually fund them. Cutting these programs for the sheer ideological purpose of downloading responsibilities to lower levels of government is already having a negative impact. In Alberta, for instance, half of the funding to Literacy Alberta has been cut. This will seriously compromise the Literacy Helpline, one of the most effective outreach tools to those at risk.

However, this government is not concerned about those adults already at risk. The minister said that the money would be better spent on children's programming. Would it be that they actually spend the money on children's programming. This government has already given up on the 42 per cent of adult Canadians who have difficulties with literacy. The government must believe that it is too late for the 9 million Canadians between 16 and 65 who would have trouble performing basic daily functions at work and at home because they have trouble reading and writing. The government says it wants to focus on children instead, but they ignore the fact that there is a direct correlation between the education levels of parents and the literacy skills of children.

There is an even greater direct relationship specifically between the education level of women and the education level of their children. Often, literacy concerns can affect women, in particular immigrant women, who are often trapped in their homes because they cannot speak and are not literate in their second language, English.

There is a cost to the economy as well.

• (1530)

At a time of acute labour shortage in parts of the country, the Conservative government ignores the fact that adults with low literacy skills are twice as likely to be unemployed. Last year, the World Economic Forum in Geneva downgraded Canada's global competitiveness ranking from thirteenth to sixteenth.

At the same time, there is evidence that up to 45 per cent of new jobs created in Canada will require at least 16 years of education, all this while four out of 10 Canadians have literacy levels below grade 9. It is not hard to see that there is a serious disconnect.

[Translation]

Honourable senators, in addition to the obvious repercussions for Canada's competitiveness, failure to take action has a significant economic impact on the health system.

[English]

Statistics show that health care costs of those with low literacy levels are significantly higher than the average. Low literacy skills lead to more workplace injuries and deaths, mainly because individuals are not able to properly read and understand safety directions. Those who cannot properly read the instructions on their prescription medication have greater incidence of hospitalization and long-term health effects.

Literacy skills are integral to quality of life. In addition to employment prospects and family income levels, literacy has an impact on individual dignity and independence. Low literacy skills can make individuals more vulnerable. For instance, for women who face domestic violence, difficulty with reading and writing can be an impediment to seeking help.

Literacy skills are lower amongst new immigrants and Aboriginal populations, groups already economically and socially marginalized. Low literacy skills have a direct impact on the factors that also lead to high crime rates, including poverty, unemployment and social isolation.

For a party whose rhetoric is so often to “get tough on crime,” because that sells so well politically, the Conservatives have failed to grasp the obvious link between literacy and crime prevention. Anything that takes a jump or a link seems to escape the Conservatives and this is a classic case. Adult offenders are three times as likely to have literacy problems, and, once again, to put it in economic terms, the American-based Rand Corporation found that one million spent on incarceration of prisoners might prevent 60 crimes a year, while one million in incentives to graduate from high school prevents 258 crimes per year. Yet this government is planning to put more people in prison for longer amounts of time while cutting literacy programs. I will bet they do not have literacy programs in prison.

Before I conclude honourable senators, I would like to remark on the role that literacy programs play in enhancing democracy. A truly democratic and accountable government relies on an informed and engaged citizenry. People who cannot read and write at a functional level cannot participate in civil society; they cannot defend their human rights access government services or hold governments accountable. In effect, they are disenfranchised. I find it sad that instead of trying to empower these individuals this government prefers to ignore them.

These literacy cutbacks are one further indication of an overwhelming, defining characteristic of this government and most Conservative governments but particularly characteristic of right-wing, mean-minded Conservative governments. These governments often reward the rich, as they have done with tax cuts, and they usually penalize the poor by cutting programs. The irony in this case is that even Conservatives, with their purported capitalistic perspective, should be able to see that these programs have economic benefits and essential imperatives. That is particularly so in an economy like Alberta's where we do not have a sufficient labour force and where there are many young people and, in particular, Aboriginal people, who have the capability, ultimately, to participate fully and contribute socially and economically but cannot because they do not have adequate literacy skills.

This government, for all the short-sighted things it has done in its short single year in government, will be remembered for this kind of characteristic initiative to cut literacy programs to the detriment of the economy and, even more important, to the detriment of many less fortunate Canadians. Rewarding the rich, penalizing the poor, penalizing the less advantaged and taking advantage of the vulnerable will characterize the history of this government.

On motion of Senator LeBreton, debate adjourned.

WORLD WAR I

CONTRIBUTIONS OF ARAB PEOPLES TO ALLIED VICTORY—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools, calling the attention of the Senate to:

- (a) Remembrance Day, November 11, 2006, the 88th Anniversary of the end of the First World War, the Day to honour and to remember those noble and brave souls who fought, and those who fell, in the service of the cause of our freedom and in the cause of the British and Allied victory over Germany, Austria-Hungary, and the vast and powerful Ottoman Empire, known as the Ottoman Turks; and
- (b) the Arabian theatre of the First World War fought in the Arab regions of the Ottoman Empire, particularly Arabia and Syria, and to the brave and valiant Arab peoples, the children of Ishmael, who fought and fell on the side of Great Britain and the Allies in a war operation known to history as the Great Arab Revolt, June 1916 to October 1918, in which the Arab peoples from the Hijaz, the Najd, the Yemen, Mesopotamia and Syria, and their leaders, engaged and defeated the mighty Ottoman Turks, the rulers and sovereign power over the Arab peoples, expelling them from the Arab regions, which these Ottoman Turks had occupied and dominated for several centuries; and
- (c) the great Arab Leaders in the Arabian theatre of war, particularly the revered Hashemite, a direct descendant of the Prophet Mohammed, the Sharif Hussein bin Ali, the Emir of Mecca, the Holy City, and his four sons the Emirs, Ali, Abdullah, Feisal, and Zeid, who though high office holders under the Ottoman Turks, repudiated their allegiance to the Ottoman Sultan, and led their peoples in the Arab Revolt, both in support of and supported by Great Britain, whose high representatives had promised them independence for the Arabs; and
- (d) the endurance and valour of the Arab fighters, adept with their camels, to the desert and Bedouin warriors, from the desert tribes, the tribesmen and tribal chiefs such as Auda abu Tayi of the Howeitat tribe, and also to the Arab soldiers and officers of the Ottoman Turkish Army who joined the Arab Revolt to oust the Turks and to support the British, and to the harsh and inhospitable conditions of the deserts, the scorching heat of the days and the frigid cold of the nights, and to the Arab campaigns and victories including their capture of Akaba, Wejh, Dara and Damascus from the Ottoman Turks; and
- (e) other Arab leaders, including the Emir Abd-al-Aziz of Najd, known as the Ibn Saud, and the Idrisi Emir of Asir, who had offered resistance to Ottoman domination even before the war, and to General Edmund Allenby, the Commander-in-Chief of the British forces with headquarters in Cairo, Egypt, who noted the indispensable contribution of the Arab peoples to British and Allied victory; and

- (f) the Remembrance of the Arab peoples, the descendants of Ishmael, the son of Abraham and Hagar, the bond servant of Abraham's wife Sarah, and to the Remembrance of all the Arab peoples who sacrificed and suffered tremendously, often afflicted by hunger and thirst, yet who contributed to making Allied victory, our Canadian victory, our freedom from domination, possible. Lest we forget, we shall remember them.—(*Honourable Senator Prud'homme, P.C.*)

Hon. Jack Austin: Honourable senators, shortly before Remembrance Day last fall, Senator Cools launched an inquiry to call the attention of this chamber to the eighty-eighth anniversary of the end of the First World War and to remember those who fought and those who fell in the cause of the British and Allied victory over Germany, Austria-Hungary and the Ottoman Turkish Empire.

Senator Cools focused in particular on the contributions of the Arab people of the Arabian Peninsula in bringing about the end of the Ottoman Turkish rule over them. This contribution was indeed of value to the Allies as it was to the creation of a number of Arab states, but we would be remiss if we did not also note in this chamber the contribution of another people to that watershed event of modern history. I am speaking of the contribution of the Jewish people to that Allied victory.

The Jewish people have been in what is now Israel, Palestine and elsewhere in the Middle East since Biblical times. According to contemporary historical accounts, the Romans, during the terrible decades from AD 70, when the second temple in Jerusalem was destroyed, to AD 135, slaughtered as many as 600,000 Jews and took another 300,000 away as slaves. That period triggered the Jewish Diaspora, the 2,000 years when Jews, looking for safety, migrated across Europe, North Africa and the rest of the Middle East and later to the Americas. Yet, throughout this time, there have been Jews in the land now known as Israel. I will quote from Howard Sachar, a leading historian:

Yet even in the wake of this monumental dispersion, a few thousand Jews somehow remained on in the country. Heavily taxed, denied the right to visit their ancient capital, the survivors made their home in Galilee where they farmed their land and plied their trade. In late Roman era, this decimated Jewish community actually managed something of a revival. For three centuries, its towns, villages and farms extended as far as the coastal plain and were reasonably affluent. Its culture showed signs of a certain uneven vitality. During this period, for example, the Palestinian Talmud was compiled. Moreover, the Jewish population sustained its growth well beyond the Arab conquest in the seventh century and, even under the Seljuk Turks, ultimately reached 300,000 inhabitants by the year 1000.

The population of the community grew over the centuries to absorb, for example, thousands of Jews expelled from Spain and Portugal during the inquisition, but it waned in the face of brutality and oppression by those in power. Yet, in spite of the terrible difficulties, there was always a Jewish presence.

With the outbreak of World War I and with Turkey joining on the side of Germany, the Jewish community was in a terrible situation: Side with the Turks, oppressive rulers but nonetheless the ones in power, or with the British and risk the wrath of the Turks? The brutality of the Ottoman regime was well-known.

• (1540)

We are very familiar here with the Armenian experience in that respect. For example, on December 17, 1914, Beha-a-Din, the Turkish Governor of Jaffa, who has been described as "irredeemably hostile to the non-Turkish minorities", ordered the immediate expulsion of 6,000 Jews living in Jaffa. That day, the police began their work rounding up 700 Jews and forcing them onto a steamer to Egypt. You can imagine the terror of the entire community. Within a month, more than 7,000 had fled or remained paralyzed in uncertainty as to their future.

Beha-a-Din ordered the Anglo-Palestinian Bank, Jewish newspapers, schools and political offices all shut down. All public activities were banned. Jewish land titles were called into question and Arabs were encouraged to pillage Jewish villages. Those leaders, including David Ben-Gurion, who protested these measures were summarily exiled. Hundreds of young Jewish men were marched off in chains to prisons in Damascus, others exiled to Constantinople and others sentenced to a living death in the granite pits of Tarsus.

By March 15, 1915, some 10,000 Palestinian Jews had found asylum in Egypt; some 5,000 were in refugee camps maintained by Jewish communal funds. It was here that the first efforts were launched to establish a Jewish legion that would join with Britain and the allies to fight the Turks in Palestine. The founders were Vladimir Jabotinsky, a Russian Jewish journalist and Joseph Trumpeldor. Trumpeldor was an unusual man. A former volunteer officer in the Russian army, he lost an arm and was decorated for heroism in the Russo-Japanese War. He then went to Palestine where he worked as a farmer pioneer.

The idea of a Jewish force allied with the British was endorsed on March 22, 1915, by the Palestine Refugees Committee and within a few days 500 men enlisted and training began. Thus was born the Zion Mule Corps. Their assignment was the now famous Dardanelles campaign. A British officer, Lieutenant-Colonel John Henry Patterson was placed in charge.

The Zion Mule Corps disembarked at Gallipoli where the men led the supply mules to the front trenches through heavy fire. Eight of the troops were killed, 55 others wounded including Trumpeldor. Another 150 young Jewish men from Egypt immediately volunteered as replacements. When the Allied troops were evacuated from Gallipoli in the winter of 1915, the Zion Mule Corps was amongst the last of the units withdrawn and its reputation had spread among the whole Zionist world.

General Ian Hamilton, commander of the Gallipoli expeditionary force, wrote to Jabotinsky on November 17, 1915:

The men have done extremely well, working their mules calmly under heavy shell and rifle fire and thus showing a more difficult type of bravery than the men in the front line who had the excitement of combat to keep them going.

The year 1916 had seen the terrible killing of vast numbers of Armenians at the hands of the Ottoman Turks. There was a great concern that if it were known that the Jews abroad were mobilizing to liberate Palestine they would suffer the same fate.

Notwithstanding the risk, Dr. Chiam Weizmann led an appeal to British leaders including Lloyd George, Winston Churchill and Lord Robert Cecil to organize a Jewish regiment to fight to free the Turkish province of Palestine from Ottoman rule. Weizmann had performed a critical service for the British admiralty. He was a chemistry instructor at the University of Manchester and in March 1916 he was summoned to London to help solve the shortage of acetone, an ingredient in the naval explosive cordite. He devised a special fermentation process which rescued the British navy from a severe shortage of ammunition.

On August 23, 1917, a time when the British government was preparing the famous Balfour Declaration, declaring its support for "the establishment in Palestine of a national home for the Jewish people," the formation of a Jewish regiment was formally announced in the *London Gazette*. Sixty-five hundred men enlisted. About half the battalion were British born or naturalized, while the other half included members of the former Zion Mule Corps, a large number of Russian Jews and Palestinian Jewish exiles living in several allied and neutral countries, including Canada. There is a further Canadian connection, honourable senators. Some of the basic training for these men took place here, including that of Ben-Gurion.

On February 2, 1918, the first Jewish regiment, the 38th Royal Fusiliers, marched through the City of London with fixed bayonets, a special privilege granted by the Lord Mayor. The next day they set out for Egypt where basic training continued. They were joined in April by the second Jewish regiment, the 39th Royal Fusiliers, and a third Jewish regiment, the 40th Royal Fusiliers, was also formed under the command of Colonel M.F. Scott. This one included more than a thousand Jewish volunteers still living in Palestine. Most were Ottoman subjects, who would have been hanged if captured by the Turks.

By the spring of 1918 these three regiments were in action in Palestine. The report of their activities stated:

On September 19, the 38th battalion and two companies of Margolin's 39th Battalion were assigned the task of capturing both sides of the Umm Shart ford across the Jordan River and advancing east beyond the Jordan. After the first attempt to gain the ford failed, Jabotinsky's company "was ordered to make the second attempt . . . and achieve the purpose at all costs." The operation was successful. General Chaytor, commander of Allenby's right-wing wrote:

By forcing the Jordan fords, you helped, in no small measure, to win the victory gained at Damascus.

General Sir Edmund Allenby was the British commander who led the British forces into Palestine and defeated the Ottoman Turks.

The scholar, Howard Sachar, wrote about the contribution of the Jewish legion:

In the spring of 1918, the Jewish units initially were assigned to patrol the Jordan Valley against a threatened Turkish counterattack. Later, after repeated appeals by Patterson, the Legion was permitted to join Allenby's climatic autumn offensive. At this point, its ranks numbered 5,000, a sixth of the British army of occupation, and half the size of Feisal's Arab irregulars at their median strength in 1918. It was distinctly more than a token or symbolic force. In truth, its role in the conquest of Palestine eventually signified as much as the ordeal of the early Zionist pioneers, and hardly less than the Balfour Declaration itself, in reinforcing the Jews' claims to the national home. Once achieved under British patronage and the flag of liberation, that armed, self-proclaimed, and militant Jewish bridgehead, would not easily be foreclosed.

There is one other contribution by the Palestinian Jews to the British war effort against the Ottoman Turks that I would like to mention. Aaron Aaronson was a Palestinian Jewish agronomist. In 1906 he won international claim for his discovery of a weather resistant primeval wheat.

In the autumn of 1916, Aaronson received information that the Turks were concentrating large numbers of troops in preparation for a second invasion attempt against the Suez Canal. As you might imagine, it was not easy to pass the information to the British. Aaronson first had to persuade Djemal Pasha to allow him to leave for Germany, saying it was to carry out research "on a variety of sesame rich in oil." Once in Germany, he travelled to neutral Copenhagen and set sail to the United States. By prearrangement, a British destroyer intercepted the ship, "arrested" Aaronson as an Ottoman citizen and brought him to England. Within hours he was presenting his information to Sir Basil Thomson, Chief of Scotland Yard.

The information was of critical importance. Captain Raymond Savage, Allenby's deputy military secretary wrote:

It was very largely the daring work of the young spies . . . which enabled the brilliant Field-Marshal to accomplish his undertaking so effectively.

Honourable senators, these men and women and many others like them devoted their lives; in many cases sacrificing their lives so the Jewish people would have a stake in their homeland. They succeeded against all odds. On May 14, 1948, the State of Israel was officially established. It has never been an easy history. Created by the United Nations, the state was immediately plunged into a war with its neighbours, who declared their intention to drive the Jewish state and people into the sea. The troubles have continued with only relatively brief periods of intermittent peace. Today, some say that the country is facing its darkest time. Amos Oz has written with sadness about the irony that when his father was growing up in Europe he saw signs that said "Jews go home to Palestine" but that when he was growing up in Palestine, the signs said "Jews get out of Palestine."

• (1550)

Honourable senators, I can tell you that sadness and irony are never far below the surface of the Jewish people, but I take comfort in another equally profound characteristic — hope. It is no accident that when the founders of the new State of Israel decided to establish a national anthem, they turned to a Hebrew poem called *Hatikva*, which means "the hope." I believe it is that

hope for a better world, for peace and for an end to injustice that drove these men and women who fought and worked to help the Allied cause in the First World War and then in the Second World War and, finally, to bring about the State of Israel and keep it alive. It has many troubles, but Israel is now a reality, a sovereign state created and recognized by the United Nations and entitled, like all other states, to international respect and acceptance.

I attended the annual dinner of the Canadian Jewish Congress yesterday evening here in Ottawa, as did many senators. I want to report that the leaders of the four national parties in the House of Commons spoke well and affirmatively about peace in the Middle East, peace between Israel and the Palestinians, and the two-state policy, the end of terrorism, and that democracy should prevail.

On motion of Senator Comeau, debate adjourned.

[Translation]

FIRST NATIONS INVOLVEMENT IN NATIONAL AND INTERNATIONAL AFFAIRS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Gill, calling the attention of the Senate to the Government of Canada's position on the First Peoples on the national and international level.—(*Honourable Senator Watt*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, given the importance of this inquiry on the Government of Canada's position regarding the First Peoples on the national and international level and knowing that several other senators wish to participate in this debate, I move adjournment.

On motion of Senator Tardif, debate adjourned.

[English]

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE ADJOURNED

Hon. Consiglio Di Nino, pursuant to notice of February 1, 2007, moved:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.

He said: Honourable senators, I and others have spoken extensively about this issue on a number of occasions. Please allow me to add a few brief remarks, which I hope all of my colleagues in this chamber will support.

Tibet's civilization has a rich history stretching back over 2,000 years, but the last 57 have been long, sad and tragic. They need not have been so, particularly the last few years when it seems to many of us that a solution exists. His Holiness the Dalai Lama has rejected independence. He has been unequivocal, in spite of the great hardships endured by the Tibetan people under China's rule, in spite of the opinions of Tibetans and others that this is their right under international law, and in spite of the yearnings of many Tibetans. His Holiness is proposing real autonomy for Tibet within China's own constitutional framework and respecting China's territorial integrity. This would guarantee not just on paper but respect in practice the right of Tibet and all Tibetans to freely practice and enjoy their distinct religion, culture and language.

The advent of the Beijing Olympics in 2008, while the world is watching, presents the Government of the People's Republic of China a great opportunity to meet His Holiness halfway and to grant Tibet this kind of status. In doing so, it would demonstrate to its citizens, and, indeed to the entire world, that China is a fair and responsible member of the community of nations. This status cannot be achieved solely with the pomp and pageantry of the games.

Honourable senators, this motion is part of a worldwide initiative. Its contents will be taken up by parliamentarians from numerous countries with a view to joining together and speaking with unified resolve. As parliamentarians, we can speak on the issue with a unique voice. In the days to come, I invite honourable senators to add their support as well. Together, we can encourage a real and meaningful dialogue between the two sides with the earnest objective of arriving at a final and just conclusion to the issue of Tibet.

On motion of Senator Munson, debate adjourned.

TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO STUDY CANADIAN TELEVISION FUND—DEBATE ADJOURNED

Hon. Lise Bacon, pursuant to notice of February 6, 2007, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the objectives, operation and governance of the Canadian Television Fund; and

That the Committee submit its final report no later than June 30, 2007.

She said: Honourable senators, the Canadian Television Fund was created in 1996 as a public-private partnership to support the production and broadcast of distinctively Canadian television programs. It is financed by contributions from the Government of Canada, Canadian cable and direct-to-home satellite industries and Telefilm Canada. By 2006, the CTF was responsible for over \$250 million going to independent Canadian television producers.

[Senator Austin]

In 2005, the Auditor General examined support for culture industries. The report described the governance of the Canadian Television Fund as complex and the administration of its programs as cumbersome. Recently, two private sector broadcast distributors announced their intention to stop contributing to the CTF, citing dissatisfaction with the governance and operation of the fund.

There are legal issues over whether the distributors can cease contributions that are mandated in the broadcasting distribution

regulations, but these announcements and the 2005 report of the Auditor General indicate that it is time for an examination of the objectives, operation and governance of the Canadian Television Fund. The Standing Senate Committee on Transport and Communications proposes to undertake this examination.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Thursday, February 8, 2007, at 1:30 p.m.

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(HANSARD)

Thursday, February 8, 2007

—

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, February 8, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL SOCIAL SERVICE CANADA

BUDGET CUTS

Hon. Grant Mitchell: Honourable senators, yesterday my honourable colleagues Senator Dallaire and Senator Munson addressed the chamber about the International Social Service Canada organization, which is about to lose its federal funding. ISS Canada is part of an international network of 140 countries that supports children and families throughout the world. At any given time, the organization has between 200 and 300 active cases in Canada alone. Many of these cases deal with Canadian children overseas who are victims of abuse, abandonment and exploitation. The entire Canadian organization runs on a budget of less than \$350,000, which is a combination of provincial, federal, and voluntary-sector funding.

ISS Canada has asked the federal government for \$150,000 in continued funding, to keep its doors open. Instead, the organization has been told it cannot expect funding to continue after March 31.

For over 50 years, ISS Canada has supported Canadian children in distress abroad. One example, and a powerful one at that, is of a developmentally challenged Canadian teenage girl who was sent by her parents to Africa for an arranged marriage against her will. ISS worked with the Canadian embassy and child protection services in Canada to have her returned to Canada and placed in a special-needs school.

Further examples include Canadian children abducted by non-custodial parents and taken overseas where they can become victims of abuse, neglect, or even sexual exploitation. This organization is the only lifeline for many of these desperate Canadian children.

Once ISS Canada is forced to close its doors, the majority of its active case files will have to be assumed by children's services in the province of origin, which we all know are already stretched thin and do not usually have the international networks and contacts to provide this service effectively.

In my province of Alberta alone, ISS Canada has handled 75 cases over the past two years. The organization signed an agreement in 2006 with the provincial government. The Alberta Deputy Minister for Children's Services, Maria David-Evans, said the program provides "valuable assistance."

Honourable senators, cutting this program is indicative of the short-sightedness of this government. Again, the current Prime Minister, in his ideological drive to minimize and decentralize

government, fails to grasp that some things cannot be done by the private sector or by individuals alone. Cutting a program such as ISS Canada will have two results: One, it will ultimately cost taxpayers more money as provincial governments are forced to pick up the tab and duplicate resources; and two, it will undermine the safety and security of Canadian children.

This government often talks about justice: What about the justice for vulnerable Canadian women and children who are exploited or abused overseas?

• (1335)

[Translation]

SUICIDE PREVENTION WEEK

Hon. Lucie Pépin: Honourable senators, the theme of the 17th annual suicide prevention week is "Appearances can be deceiving".

The Quebec suicide prevention association is asking people to watch carefully for suicidal behaviour and signs of distress that may be well hidden but can be detected. The road to suicide is a long one. In many cases, it happens because of chronic or temporary problems that could have been treated earlier.

Studies show that nearly 90 per cent of suicides are related to mental health or addiction problems. Early detection is vital to reducing the number of suicide attempts.

By making the general public aware of the signs of suicidal behaviour, the organization also hopes that people who are at risk will escape their isolation and seek help.

In its report entitled *Out of the Shadows at Last*, the Standing Senate Committee on Social Affairs, Science and Technology identified suicide prevention as a priority. Suicide is a social problem, particularly in some of our regions and communities. An abnormally high number of Aboriginal people take their own lives.

In Quebec, suicide is second only to cancer as a public health concern. In our beautiful province, suicide accounts for one third of deaths among people aged 15 to 19. It is the leading cause of death among men under 40.

A study by Quebec's public health institute indicates that suicide rates among baby boomers have remained constant as they age. If this trend persists, the percentage of people over 55 who take their own lives could be very high in the future.

It is important to note that Canada still does not have a national suicide prevention strategy. Suicide is a complex problem that requires all those concerned to work together. Clearly, national collaboration would promote the exchange of knowledge, best practices and successful initiatives.

With adequate resources, a national strategy could help bring down the suicide rate dramatically. This appeal has been made by many people for a long time. I hope it will be heard.

• (1340)

[English]

UNITED NATIONS

DECLARATION DECLARING TWO HUNDREDTH ANNIVERSARY OF BRITAIN'S ABOLITION OF TRAFFICKING IN HUMAN BEINGS

Hon. Jack Austin: Honourable senators, slavery is seen in our times as one of the most horrendous of human practices upon one another. It is the reverse of the universal belief that we should not do to one another that which we would not have done to ourselves.

Our colleague, Senator Phalen, spoke on February 6 about one of the crimes of our time, when introducing Bill S-222 to deal with human trafficking. A United Nations resolution last December declared 2007 as the year to mark the two-hundredth anniversary of Britain's abolition of trafficking of human beings between Africa, Europe, the Caribbean and the Americas. A number of countries announced that they would commemorate the UN declaration and its anniversary.

I noticed a letter to the editor of the *Toronto Star* today, written by Honourable Jason Kenney, advising that the Canadian government would be sponsoring a variety of activities across Canada in connection with Black History Month. We look forward to more details from the government when they are available.

In the United Kingdom, the government is issuing a commemorative stamp and sponsoring a year-long set of events. A national memorial service is planned for Westminster Abbey in March. Britain's Prime Minister Tony Blair is quoted as saying, "The slave trade was a profoundly shameful crime against humanity."

The United States has announced a series of events at museums, universities and schools. Leading countries in pressing for the UN declaration include Jamaica, all the Caribbean countries, and several African countries led by Ghana, which was a leading centre for the capture and shipment of Africans to the Americas.

Very few Canadians are aware of the history of Black slavery in Canada. French King Louis XIV authorized slavery in his North American possessions by an order dated May 1, 1689. Africans did the heavy lifting and were inventoried with the animals. In Upper Canada, both before and after the American Revolution, slavery was a normal part of community life. Many of those who were appointed or elected as legislators were slave owners. The British Parliament banned slavery throughout the British Empire in 1834. By that time, the early Europeans in Canada had had the benefit of slavery for nearly 200 years.

The collective forgetfulness of Canada with respect to its involvement in slavery was shaken by a book, *The Hanging of Angelique*, by Afua Cooper, which tells the story of a slave girl in Montreal who was hanged in 1753 for starting a fire which destroyed one third of that city.

Historians also made clear that not all Blacks in Canada were slaves. It is noted by author Lawrence Hill that some 3,000 free Blacks landed in Nova Scotia from Manhattan in 1793. Other historians believe that as many as 40,000 Blacks came to Canada by the Underground Railway or otherwise between 1785 and 1865, fleeing slavery in the United States.

Black slavery, wherever practised in Europe or the Americas, is now clearly acknowledged to be a monstrous wrong. We should use the UN declaration to remind ourselves of this history in Canada. The federal government should take a lead in persuading the provinces and municipalities to teach Canadians something of their own history.

We are all aware of the maxim that those who forget their history are bound to repeat it. We may not repeat history with Black Canadians or any other group in Canada in that form, but remember that slavery was based on economics. There are so many other ways to economic slavery that can be practised out of sight.

By commemorating Black slavery, as the Jewish community has for 2,000 years commemorated its slavery in Egypt through the Passover holiday, we will be alert never to let it happen again in any form.

I want to commend our colleague, Senator Oliver, for the many times he has reminded us in this chamber and elsewhere of the contribution of the Black community to Canada, and of the need for Canadians to be alert to assist in advancing the Black community in Canada's economic, social and political spheres. A good blast from Senator Oliver every so often is a necessary reminder.

• (1345)

JAMES DEVERELL HORSMAN, Q.C.

CONGRATULATIONS ON INDUCTION INTO ORDER OF CANADA

Hon. Elaine McCoy: I invite honourable senators to join with me in congratulating Jim Horsman, who will be inducted into the Order of Canada tomorrow. Jim is a very good friend of mine and former colleague in the Alberta Legislature. He was born in Alberta and attended the University of British Columbia where he earned a Bachelor of Commerce degree followed by a law degree. He returned to Calgary where he articulated, after which he moved to Medicine Hat, where he began his legal practice, met his bride and raised a family.

Jim was an early activist with the Progressive Conservative Party of Alberta, and recognized early on Peter Lougheed's promise for the party and for Alberta. He served as Vice-president for Southern Alberta, then ran for office and was elected for Medicine Hat in 1975. He served many terms in the Alberta Legislature, including stints as Minister of Advanced Education and Manpower, Minister of Federal and Intergovernmental Affairs, Attorney General and Provincial Secretary, Government House Leader and Deputy Premier. His considerable legacies from this period include his leadership of Alberta's negotiations during both the Canada-U.S. Free Trade

Agreement and the North American Free Trade Agreement and his work as Alberta's key representative during the 10 years of discussions following the repatriation of the Constitution of Canada.

He was, for example, a key player in formulating Alberta's Senate reform position and was the author of the Senate Selection Act. Jim also established the Alberta Heritage Scholarship Fund, which has endowed more than 10,000 Alberta students annually since it was first introduced in 1981. He continued to serve Albertans after leaving politics in 1993, including work as Alberta's chief negotiator on the issues of free trade within Canada. He served as Chancellor of the University of Lethbridge and received an Honorary Doctor of Laws degree from that institute some years ago. He continues to support the university's leading work in water and environmental research. In that capacity, he has worked closely with Senator Fairbairn.

He was a founding member of the Alberta Ingenuity Board and has served Albertans as a member of the Lieutenant Governor of Alberta Arts Awards Foundation. Over the years, he has represented the province as a national and international speaker on constitutional law, Senate reform and free trade and as a member of the Advisory Board of the Association for Canadian Studies in the United States. He is truly a nation-builder and we are proud to see him honoured as a member of the Order of Canada.

ROUTINE PROCEEDINGS

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Michael A. Meighen: Honourable senators, I have the honour to table the seventh report of the Standing Senate Committee on National Security and Defence, entitled *Canadian Troops in Afghanistan: Taking a Hard Look at a Hard Mission*.

I ask that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Meighen, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CRIMINAL CODE

NOTICE OF MOTION PURSUANT TO SUBSECTION 83.32(1)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

1. That pursuant to subsection 83.32(1) of the Criminal Code, the application of sections 83.28, 83.29 and 83.3 of that Act be extended for a period of three years from the first day on which this resolution is passed by both Houses of Parliament.

2. That this Resolution come into force on the day on which it has been passed by both Houses of Parliament.

• (1350)

QUESTION PERIOD

PARLIAMENT

PROGRESS OF LEGISLATION—BILL C-9 TO AMEND CRIMINAL CODE REGARDING CONDITIONAL SENTENCE OF IMPRISONMENT

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

For the past few days, the Prime Minister has taken to vehemently blaming Parliament for his supposed lack of efficiency with respect to making progress on the legislative agenda. I would remind this house and the Prime Minister that Bill C-9 was sent to us by the other place on November 6, 2006, or, if you prefer, 95 days ago.

Yet, we have not debated the bill for even a single minute. Does that bill, to prohibit conditional sentences, not have priority in the Prime Minister's agenda, in terms of judicial matters?

My question is specific and calls for a response that is equally specific. When will the Prime Minister stop blaming Parliament for his failure to act, and when will you propose that this Chamber begin debating Bill C-9?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Thank you, Senator Hervieux-Payette, for the question. The Prime Minister is not blaming Parliament. He is blaming the Senate for the hold up of Bill S-4, which has been here since the end of May.

With regard to Bill C-9, this bill as originally drafted and spent some time in the House of Commons. It then went to a House of Commons committee. The Justice Committee in the House of Commons made many changes to it. In fact, some feared that the committee had seriously gutted the bill. It was then returned to and passed by the House of Commons and came here in November. In the interim period, before we proceeded with Bill C-9 in this chamber, we thought it prudent to look at the amendments that the majority on the Justice Committee in the other place had brought in. We needed to take into consideration those amendments before proceeding in this chamber with Bill C-9. Our intention is to proceed with it. Senator Tkachuk will have carriage of the bill. In taking the

[Senator McCoy]

opportunity to address the bill in this chamber and to debate it before the Senate committee, I hope the bill will receive judicious and careful consideration.

I repeat, honourable senators: We simply took the time to examine the amendments that were made in the other place.

[Translation]

Senator Hervieux-Payette: The Leader of the Government in the Senate would do well to familiarize herself with the Prime Minister's agenda, which gives security high priority. The bill was adopted by a majority vote in the House of Commons.

The general view of my colleagues opposite is that they lack the human resources to work on committees and that this is delaying all the work of the Senate.

Does the Leader of the Government in the Senate recommend that the Prime Minister discharge his duty under Canada's Constitution by appointing 11 senators to fill the vacancies in this place, since this situation is preventing the committees from doing their work?

[English]

Senator LeBreton: I wish to thank Honourable Senator Hervieux-Payette for that question.

It is true that Bill C-9 eventually came through the House of Commons, passed by the majority. That does not change the fact, as I stated in my earlier answer, that there were amendments to the bill. The then Minister of Justice, who had carriage of the bill, had grave concerns about the amendments and had his officials determine whether he could carry the bill forward in view of the original intent of the bill.

• (1355)

The present Minister of Justice has now had an opportunity to review the bill and the amendments that were made in the other place, and is now working with this side to move Bill C-9 through the Senate.

Even though we have limited numbers here, I have no concerns about our ability to do our proper duty in ensuring that this bill on behalf of the government makes its way through the Senate in a timely fashion.

Hon. Tommy Banks: Honourable senators, the Leader of the Government in the Senate has partly answered the question, but she said that "we" are examining some of the amendments put forward in the other place. Who does she mean by "we"?

Senator LeBreton: Honourable senators, I did not say "we" in a global context. I was saying that, in consultation with the Minister of Justice and in view of the fact that we needed some background information as to the amendments in the other place, we, on this side, wanted to ascertain that we were in a position to proceed with the bill.

Now that we have the briefing documents and the new Minister of Justice has had an opportunity to take carriage of this bill, we

plan to proceed with it, as I said a moment ago, in a timely fashion.

Senator Banks: The practice — and I have not heard of this; I am obviously inquiring — is that when a bill comes to the Senate from the House of Commons it may be studied by the government side before consideration is given by the house, per se, and/or its committees. Is that right?

Senator LeBreton: I am saying that the bill was originally presented as a government bill in the House of Commons. It was referred to committee and many amendments were made. It went back to the House, where it was passed. We simply wanted some updated information from the Department of Justice as to whether there was enough left of the original bill to proceed with the government's initial intentions with regard to conditional sentencing.

The new Minister of Justice has now had an opportunity to assess the recommendations of the committee in the other place and is working with the caucus on this side and the Liberal opposition in the other place on this and other justice matters. We have had an opportunity to get proper briefings from the Department of Justice and are now able to proceed to Bill C-9. Hopefully, it will pass through the Senate in a timely fashion.

THE SENATE

BILL C-9 TO AMEND CRIMINAL CODE REGARDING CONDITIONAL SENTENCE OF IMPRISONMENT

Hon. Lorna Milne: Honourable senators, Bill C-9, as originally written, arbitrarily eliminated conditional sentences for more than 90 Criminal Code offences that carry the potential maximum sentence of 10 years. The list included unauthorized use of a computer, forgery, filing of false prospectuses and theft from mail. Had the list been in place in 2003-04, an additional 5,400 non-violent offenders would have had to serve time in prison instead of receiving conditional sentences.

Can the Leader of the Government in the Senate assure this place that it has been taken into consideration or will be taken into consideration that extra prisons will have to be built and extra money set aside for prisons in Canada?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, that is precisely the type of question that my honourable friend could address in this place and in committee when the bill is being debated.

• (1400)

Hon. Grant Mitchell: Honourable senators, I gather from the leader that when the Conservative senators in this place require more time to get more information to reconsider a bill that is okay — however, when the Liberal senators in this place require more time to debate legislation that would change this institution after 140 years of existence, it is regarded as unnecessary delay and a reason for the leader to diminish this house in public. Instead of defending this house, as the Leader of the Government in the Senate should, she has made derogatory remarks about it.

Senator LeBreton: I thank Senator Mitchell for the question, but his comparisons are off the mark. In terms of Bill S-4 we are talking about a very simple first step of ensuring that future senators have tenure of eight years. As the Prime Minister said in committee, he would entertain and we would entertain amendments.

With regard to Bill C-9, the bill as originally tabled in the House of Commons went through extensive changes in committee. The Minister of Justice at the time had some grave concerns about some of these changes and expressed them publicly. Then the House recessed for the Christmas break. The new Minister of Justice, the Honourable Robert Nicholson, looked at the bill and has satisfied the government and himself that the original intent of the bill, while watered down, is still a valuable piece of legislation. The minister worked with me, and I was anxious to get the bill moving here in the Senate.

There are people wandering around on our streets who should not have been given conditional sentences. However, based on the support of the new Minister of Justice and with additional background information that I had requested, we are prepared to proceed with the bill and, as the deputy leader commented, we will call the bill in a timely fashion.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

PROPOSED NATIONAL CHILD CARE PROGRAM

Hon. Jim Munson: Honourable senators, I have a question for the Leader of the Government in the Senate. I rise to talk about children's rights and in particular child care. A year has gone by since the leader's new government was elected. Can the leader tell the Senate how many child care spaces her new government has created?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Munson for that question. As the senator knows, we brought in a program that began on July 1 to give parents a choice in child care. The government and the Minister of Human Resources, Mr. Solberg, are working with the private sector companies and other stakeholders in developing a child care spaces program. As the honourable senator knows, Budget 2006 set aside \$250 million per year beginning in 2007-08 to support new and durable child care spaces.

In terms of giving Senator Munson a specific number, I will simply take that portion of his question as notice.

Senator Munson: Honourable senators, in a report to the Standing Senate Committee on Human Rights two weeks ago, the Toronto wing of the YWCA stated:

Introduction of the Universal Child Care Benefit by the federal government has been detrimental to child care provisions and children in this country. It has resulted in a nationwide shortage of licensed, affordable and quality child care. Aboriginal children were hardest hit, singled out for a \$25 million cut.

Seventy-five dollars a month after taxes is a pittance. Does the YWCA viewpoint matter? Would the government acknowledge it made a mistake in this case and re-establish our children's right to child care?

• (1405)

Senator LeBreton: Honourable senators, the YWCA is certainly entitled to its opinion. Many different groups have varying opinions on this matter. Other groups have the opposite opinion. As I have said before, no single plan fits all because there are different needs in different parts of the country. People in rural and smaller centres have different child care needs than do people in urban centres. That is why last fall we created the ministerial advisory committee to consult with all organizations to design a child care space initiative that will satisfy the needs of Canadian families and our children, and we are awaiting these recommendations, which we will review as soon as we get them.

Hon. Daniel Hays: Honourable senators, my question is a follow-up to the one Senator Munson put to the Leader of the Government in the Senate.

My question relates to Alberta and the attention drawn to the crisis in the child care area by the newspapers in my province, particularly in Calgary and Edmonton. As is the case in Toronto, the YMCA is a provider of daycare spaces. On the front page of the January 25, 2007 edition of the *Calgary Herald*, YMCA President Wayne Perkins states that they have closed five programs and simply do not feel they can sustain what they are doing.

The problem in Alberta is that with a growing economy, the people necessary to oversee the spaces are difficult to find at the traditional pay scales. I quote from, again, the January 25 edition of the *Calgary Herald*:

A lack of proper child care means parents are faced with tough decisions about going to work, said Karen Mikkelsen, spokesman for Parents for Quality Child Care. . . . It's a staffing issue, it's a wage issue

Calgary's corporate community needs to partner with day-care centres to lobby the federal government on the issue, said Tanya Szarko, operator of the Bow Valley Child Care centre, which has a 600-name waiting list.

With respect to Edmonton, I quote from the *Edmonton Sun* of January 15, 2007:

Last year, the federal Tories came up with the hare-brained idea of offering tax credits to employers willing to create child-care spaces. . . .

Well, don't expect employers to fall over themselves getting into the kiddy business once the child-care agreements the Liberals arranged with the provinces end in April. . . .

And even in the unlikely event that an employer steps up to the plate and creates day-care spaces, where's the operating funding going to come from? . . .

"The Conservatives have a really big problem," says Monica Lysack, executive director of the Child Care Advocacy Association of Canada.

"They came up with this plan of 125,000 spaces on the back of a napkin during the election ... and it's really ill-conceived."

The minister mentioned a moment ago that a committee was struck, and I assume it was at the time of the announcement a year ago or so. When will that advice be made public?

Senator LeBreton: Honourable senators, when the honourable senator was reading his question, he mentioned how businesses would have to work with the federal government. That was precisely why the federal government set aside \$250 million.

As I said, this is not a situation of one-size-fits-all. Obviously, population growth in Calgary and Edmonton is putting more of a strain on all of the services in those two cities.

• (1410)

The ministerial advisory committee was struck last fall. As I have pointed out, \$250 million was set aside in the budget. I remind honourable senators that none other than Tom Axworthy referred to the previous Liberal child care issue as a "deathbed repentance."

Our child care policy was not written on the back of an envelope. It was written with a very strong view to cooperating with businesses, small and large, to provide child care spaces. I went to such a facility during the last election campaign. The child care facility at a plastics company in Bolton, Ontario housed the best child care facility I have ever laid eyes on. The company provides the child care facility for its employees and it is an example of the type of child care facility that the party envisioned at the time. We envision a facility having a shared relationship with businesses, small and large, in order to provide child care spaces for those who wish to use them.

Senator Hays: Honourable senators, I have heard some of this before and I believe so has the leader.

The \$250 million a year plan to provide tax credit incentives for the corporate sector to create spaces, replaces a program negotiated by the previous government. That Liberal government negotiated the program with 10 provinces to transfer \$5 billion over five years.

How will a \$250 million a year program replace a \$1 billion a year program? How will this program meet the needs of the commentators I quoted? How will the program meet the needs of the national lobby group called Code Blue, which is very aggressive in trying to ensure that parents have these daycare options for their children?

I do not think the Leader of the Government answered as to when and how soon the committee will report. Even if the committee does report, I do not see how it will replace a \$1 billion a year program with a \$250 million program, which must go through the corporate sector as opposed to the daycare services providers.

Senator LeBreton: I will find out when Minister Solberg is expecting the ministerial advisory committee to report.

The honourable senator forgets and always leaves out that starting July 1 of last year, we began providing \$100 per child under the age of six years. This government pays \$100 to 1.4 million families in Canada. This government has never considered that money the panacea. We simply said we were intending to contribute to parents in helping make choices in child care.

Senator Hays mentioned the Code Blue lobby group. The child care debate has probably been around as long as all of us here in this house, and the fact is that we all know this is not a situation in which one plan will fit all the different needs of our citizens. Those needs are vastly different from one jurisdiction to the other and urban centres versus rural and small centres.

Senator Hays: Code Blue has the answer to that dilemma. They say, thank you very much, we can take the one hundred dollars, pay the tax on it, that is fine, but reinstate the old Liberal programs; they want both.

I do not know whether the Leader thinks her strategy was a good one or not, but answer this question: Can the leader point to one single daycare space or one single additional daycare worker that can be attributed to the \$100-a-month transfer?

• (1415)

Senator LeBreton: Honourable senators, obviously if the honourable senator is asking me for examples, I can provide them.

Some Hon. Senators: Do!

Senator LeBreton: We seem to be in this unending debate of being attacked as a government for failing to live up to the promises of the previous government.

Some Hon. Senators: Oh, oh!

Senator LeBreton: This government was elected. People wanted change. We are working with various groups. To suggest that the government side is not concerned about our citizens and our children is an example of the shamelessness of the party opposite.

Some Hon. Senators: Oh, oh!

Hon. Grant Mitchell: Honourable senators, it is obvious that where there are affordable child care places, more women choose to work outside the home. In Quebec, which has substantial, significant government-subsidized programs, the participation rate in the workforce of women with children is about 76 per cent, whereas in Alberta, where the programs are not up to the level in Quebec, the participation rate is only about 65 per cent. In Alberta, child care costs as much as \$1100 per month or more.

Also in Alberta, where there is a labour shortage, Statistics Canada says that if women with children were to join the workforce and were able to choose to join the workforce, there would be as many as 11,000 more workers in that workforce, which is stressed at this time.

If this government will not bring back the Liberal child care agreements for the sake of families or for the sake of women who need to work or choose to work outside the home, will they perhaps do so at least for the sake of alleviating certain workforce shortages in Alberta?

Senator LeBreton: Honourable senators, the child care program in Quebec that our honourable colleague has referred to is a provincially run child care program. It certainly has had a great deal of success.

The situation in Alberta is unique, with the growing economy and labour shortages. I cannot speak for the Alberta government. I do not know what they are doing in this regard. I can only tell honourable senators that as a national government we have taken measures through the child care benefits starting last July, the \$250 million announced in the budget, and also the ministerial advisory committee that is consulting with the stakeholders and the provinces. As I said to Senator Hays, we need to await the recommendations. However, that does not mean that this government has not continued to work with the provinces to design a child care strategy that meets the needs of Canadians, which are, as I pointed out many times, unique in the different jurisdictions.

We were not elected to implement policies of the previous government. We were elected to present Canadians with new, fresh, innovative policies, and we are doing that. I have every confidence in this government. We all want the best for our children and seniors, and we certainly want everyone, women and men, to have the choice to enter the workforce or not. That choice is not achieved in one fell swoop. It takes a lot of negotiation and working with the provinces, and that is what we are trying to do.

Senator Mitchell: The present government may not have been elected to implement Liberal programs, but we are grateful they are implementing the Liberal environmental program. It raised our hopes for child care. We want you to bring in the Liberal Kelowna accord as well and that would be one step in the right direction.

• (1420)

This government has cut literacy programs, Aboriginal programs and child care programs. All these programs, among other things, are important for building a workforce, enhancing productivity and developing GDP. Is the government not aware of the —

The Hon. the Speaker pro tempore: I am sorry, but the time for Question Period is up.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

PRIVY COUNCIL OFFICE—VETERANS AFFAIRS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 19 on the Order Paper—by Senator Downe.

[English]

POINT OF ORDER

Hon. Grant Mitchell: I rise on a point of order. I understand that the time for Question Period was over and I will, of course, respect the rules of the Senate, but I have never heard in the albert

short time I have been here of anyone being cut off in the middle of a question. I thought the rule was that once honourable senators started a question, they could finish it. I want a ruling on that and maybe examples of where that situation occurred before.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I would remind my colleague to read rule 23(8) of the *Rules of the Senate*, which states:

Not more than 30 minutes after the Speaker calls for "Question Period", regardless of progress made on the items listed in sections (6) and (7) the Speaker shall call for:

Delayed Answers —

[English]

Senator Mitchell: I appreciate the senator's points. I know there is a good deal of flexibility in the way His Honour often applies rules, which is one of the endearing features of this Senate, a demonstration of respect among and between the members of the Senate, I am asking only whether that rule has been applied recently, in the way it was applied today, or whether it was applied differently today. I want only to see some examples.

The Hon. the Speaker pro tempore: I will give a personal answer to the question: I try to stick to the rules as much as possible.

Are there further comments on the point of order?

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Question!

Some Hon. Senators: Question!

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: All those in favour of having the question put will say "yea."

Hon. Joan Fraser: What is the question?

The Hon. the Speaker pro tempore: It is on debate of Bill S-4.

Senator Fraser: Is it on adjournment of the debate or on the vote?

The Hon. the Speaker *pro tempore*: It is on the vote.

Senator Comeau: They moved adjournment.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I move adjournment of the debate.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: All those in favour of the motion will say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: All those opposed to the motion will please say "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: In my opinion, the "yeas" have it.

And two honourable senators having risen:

Hon. Percy Downe: On a point of order, government members are doing this on a regular basis. Are they trying to get a full attendance? I know very few are showing up and they cannot be very interested in the vote if they are not showing up.

The Hon. the Speaker *pro tempore*: Is there agreement between the whips on the length of the bell?

Senator Comeau: A half hour.

The Hon. the Speaker *pro tempore*: The bells will ring for 30 minutes. Call in the senators.

• (1450)

Motion agreed to and debate adjourned on the following division:

YEAS THE HONOURABLE SENATORS

Atkins	Joyal
Austin	Lovelace Nicholas
Baker	Mahovlich
Banks	McCoy
Callbeck	Merchant
Carstairs	Milne
Chaput	Mitchell
Cook	Moore
Corbin	Munson
Dawson	Murray
Day	Pépin
De Bané	Peterson
Downe	Phalen
Dyck	Pitfield
Fairbairn	Poulin
Fox	Poy

Fraser
Gill
Goldstein
Hays
Hervieux-Payette

Ringuette
Stollery
Tardif
Trenholme Counsell—41

NAYS THE HONOURABLE SENATORS

Andreychuk
Cochrane
Comeau
Di Nino
Gustafson
Keon

LeBreton
Meighen
Nolin
Oliver
Stratton
Tkachuk—12

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1500)

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE ON SUBJECT MATTER—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the first report of the Special Senate Committee on Senate Reform (subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Tommy Banks: Honourable senators, Senator McCoy reminded us yesterday of a very important principle, which, I have the temerity to suggest, would be beneficial for us to remember. She reminded us why we are here and what this place actually is. She reminded us that the Senate was put in place by the people who framed our initial Constitution specifically to protect against the concept of the tyranny of the majority. She reminded us, and we should always be reminded, that it was a condition precedent to Confederation that Canada would have not existed in the form that it does now had it not been for — and we can see this in the Confederation debates — the establishment of a second part, senior to the other place, to the three parts of Parliament to protect against the tyranny of the majority wherever that majority might from time to time reside. The concept used by them was pretty smart because it was based upon the notion of regional equality. Like all honourable senators, I have made speeches to every Rotary Club, Canadian Club and Lions Club that will have me to talk about the concept of regional equality in this country. The fact that there are 24, 24, 24 — and now 24, 24, 24, 24 — makes eminently good sense. However, when we look at reform, whether in this context or otherwise, Senator McCoy reminded us that it might be good to look in our own backyard because sometimes the best reforms are the reforms that we can do ourselves relatively easily in our own house, without resorting to bills or laws or, certainly, to constitutional amendments.

Senator McCoy reminded me of a fact. I had planned to ask her whether she knew that, not only in living memory but also within the relatively recent past, there were no party caucuses in this place. When I say that, I am relying on information that was given to me by the ex-dean of our Senate, the Honourable Senator Sparrow, who took me into his office one day — I used to go there to smoke — and showed me a roll call of the Western caucus of the Senate from the time he first came here. There were 24 people on that list, and only the most avid students would have been able to say who was a Liberal and who was a Progressive Conservative. The 24 people on that list met regularly as a Western caucus. That is the way that the Senate is supposed to work. There should be a caucus in this place not of Conservatives, I would propose, and not of Liberals. Rather, there should be a caucus in this place of Maritime senators, where they discuss how they will best represent the interests of the Maritime provinces with their 24 senators and protect their region from the tyranny of the majority. There should be in this place 24 Western senators who meet in a caucus, regardless of political affiliation, to consider the interests of the West. Senator McCoy should be in the Alberta caucus because Senator McCoy is a senator for Alberta. It would be a very good idea if, from time to time, Senator Gustafson and Senator Tkachuk had an opportunity to talk to Senator Peterson about how best to represent the interests of Saskatchewan and, in the larger sense, the interests of the West in the context of a caucus of 24 senators.

I suggest to honourable senators that that is not a far reach because, according to Senator Sparrow, it used to be the case. In large part, senators leave this quasi-political division at the door each time we walk into a committee room. We pride ourselves and tell everyone that one of the great things about this place is that when Senate committees do business, whether on bills or various studies they have undertaken, their conclusions are for most part unanimous. Genuine collegiality occurs around the tables in committee rooms and, generally, senators leave their political colours at the door and proceed to dealing with the substance of the committee.

Why could we not return to the same practice in this place? Although it was Senator McCoy who brought this to mind, it is precisely what the Senate is supposed to do. That is the *raison d'être* of this place. It is supposed to be 24 Atlantic senators; 24 Quebec senators; 24 Ontario senators; 24 Western senators; and now there is a fifth region. That is the way in which this place is supposed to work. It is not supposed to be a mirror of the popularly elected lower House. Day by day, we are getting closer to becoming a mirror of the popularly elected lower House, and that is not our job.

When we are considering Bill S-4 or Bill C-43 or any of the other bills that come before the Senate from time to time, it might be useful for us to think about why this place is here, what we are truly supposed to do and whether it would be most appropriate that, from time to time, senators meet on the basis of a regional caucus. For example, the 24 senators from the West should meet to consider how best to represent the things that we are ostensibly here to represent; but senators do not meet in that way.

Given Senator McCoy's excellent reference yesterday, I hope that honourable senators will bear that in mind when we speak to the issue of Senate reform. We could most easily and most effectively, to great applause, reform ourselves.

On motion of Senator Tardif, debate adjourned.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWELFTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twelfth report of the Standing Committee on Internal Economy, Budgets and Administration (*Elimination of the special fund*), presented in the Senate on February 7, 2007.—(Honourable Senator Furey)

Hon. Pierre Claude Nolin: Honourable senators, I move that this report be adopted. If you have any questions, I am prepared to answer them.

Hon. Serge Joyal: Honourable senators, when this fund was established, senators were not allowed to participate in certain joint projects or projects of common interest. Has this condition been reintroduced or eliminated?

Senator Nolin: It was a one-year trial. A fund was established and we eliminated, for that one year, the possibility of a senator drawing from the research budget of another senator.

• (1510)

The Standing Committee on Internal Economy, Budgets and Administration did not reintroduce this permission to transfer. What we are proposing is the elimination of this procedure, which did not prove to be useful. Less than \$50,000 of the \$300,000 envelope was used and it does not seem that this process met the senators' expectations. A number of senators submitted requests; perhaps our evaluation criteria were overly restrictive. We are open to discussing this matter.

For the time being, we find it appropriate to eliminate this measure and to redistribute the funds to those who did not use or have access to them.

Senator Joyal: Would it not be more appropriate, before adopting this report, to reconsider the possibility — under certain conditions that could be established — of senators joining forces to undertake a project of mutual interest? At present, we are creating restrictions from both sides that do not permit one, two or three senators with a shared interest, to pool their resources and undertake projects appropriate for the Senate's mandate, thus benefiting the Senate and, to a greater extent, the public.

Senator Nolin: Honourable senators, we have to make the distinction between not authorizing budget transfers and sharing budgeted funds for a common operation or research project. Two, three or four senators can decide, because it is in their interest, to share the cost of research.

I see this as different from a budget transfer, a practice used until roughly 15 months ago. One senator could, with permission from another, obtain part of the other senator's budget. Permission to do so has been suspended. This is what will be

re-examined. However, two or three senators can decide to pool part of their budget to share the cost of research. I understand the distinction and there is nothing to prevent this practice.

Senator Joyal: Thank you for your response, but it did not really answer my question. The honourable senator knows that previously I personally benefited, as a senator obviously, from the additional participation of other senators, in particular for our joint work on the Senate published by the McGill-Queen's University Press, a publication certain senators consult regularly since it was the work of senators — Senators Murray and Pitfield, among others — who took part in sharing their resources and interests.

By simply abolishing this budgetary envelope because it was not fully used at this point, we are denying ourselves the ability to fund other projects that would be just as appropriate to consider as those that were funded in the past. I do not believe that, just because an envelope is not completely used up, it should no longer be available because, in any event, the money is not lost at the end of the year. If it is not used, it goes back into the consolidated revenue fund. It is not a waste of money. In my opinion, the honourable senators use all money responsibly, not foolishly or just for the sake of exhausting the budgets.

Senator Nolin: First, we needed to put an end to a practice that did not seem to satisfy the needs of most senators. That is what we are proposing in the report.

Having said that, you are right: far be it from us to prevent our institution or individual senators from fulfilling their responsibility to do a good job. We lack a broad consultation process among representatives of the Senate's main political organizations, and also a consultation involving all senators. We did not want to prevent ourselves from redistributing these funds, because the ultimate goal is to redistribute that money, which was originally earmarked for research. We will redistribute it to those who did not benefit from it, and it is our firm intention to find an alternative solution that could well be a return to the former practice. However, we are not convinced that it meets everyone's needs. This is why we are not yet proposing to go back to the old system, but we will seriously consider it among the available options.

Hon. Pierrette Ringuette: Honourable senators, I would like to make a correction. Earlier, I thought you were proposing to adopt the motion that comes after, because I heard the word "deferred". I am sure you will understand.

First, I should tell honourable senators that I was one of the lucky ones who benefited from that fund to implement an economic development initiative in my region. I had submitted three projects. One was accepted and I was hoping that, over time, if money was available, the other two initiatives would also be approved.

I care about economic development in my region and in my province. Did I hear you say that the money left in that fund will be redistributed among those senators who did not have access to it?

Senator Nolin: You heard correctly. The idea is to achieve fairness. It seemed to us that we would be bending that notion a little too much if we allowed those who already benefited — like the hon. senator — from that program, to benefit again from what is left of it. This is why we decided to limit the sharing of the remaining money to the majority of senators who did not use the program.

Senator Ringuette: I may have a suggestion that comes a little late. I did look at that fund. There may have been a little bit too much money in it, because it was a first, it was a pilot project that lasted only one year. Senators have very limited access to money for promoting economic or social projects in a province or a region.

I viewed the whole idea favourably and I hope that the committee will consider renewing the program, perhaps with less funding and more generous criteria so that more senators can have access to this money. I am grateful, however, for the money I received.

Senator Nolin: Allow me to reiterate the objective behind our philosophy of work, as I see it. We see our role as one of facilitation, so that each of our colleagues can fulfill their responsibilities, which, I believe, are striving for excellence. Our role is not to prevent such excellence from emerging, but rather to promote it. That having been said, this has to be done both within the means made available to us, by you, and in an equitable way.

• (1520)

Our philosophy of work is precisely to encourage efficiency in the work of the institution and of each senator. The committee is looking for the best solutions, and asking for your input. Whether in caucus or individually, do not hesitate to contact us.

We did receive requests but, often, we were acting as financial controllers and at the same time determining whether a specific task was necessary. That is what is making us feel rather uncomfortable. Should it not be up to individual senators to decide how to spend their research budgets? It is a matter of political maturity, and this is why senators should be able to decide.

That is the kind of question we asked ourselves in reviewing your requests. We had to control how the money would be spent and at the same time determine whether it was appropriate to engage in such research. We did not feel that we had the authority to deal with the latter, but had to do it anyway. This pretty much sums up our feelings on this matter.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[English]

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption of the fourth report of the Standing Senate Committee on National Finance (Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), with an amendment), presented in the Senate on October 3, 2006.—(*Honourable Senator Fraser*)

Hon. Pierrette Ringuette: I move the adoption of this report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and report adopted, on division.

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

Senator Ringuette: I move that it be read now.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Ringuette, seconded by the Honourable Senator Fraser, that the report be adopted now.

Senator Comeau: No.

The Hon. the Speaker pro tempore: Leave is not granted.

Senator Ringuette: Honourable senators, I move that Bill S-201, as amended in the report, be read a third time at the next sitting of the Senate.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

STUDY ON NATIONAL SECURITY POLICY

AMENDED REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report (interim), as amended, of the Standing Senate Committee on National Security and Defence, entitled: *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*, tabled in the Senate on November 21, 2006.—(*Honourable Senator Kenny*)

Hon. Tommy Banks: Honourable senators, I know that Senator Kenny wishes to speak to this item but, as some may know, he has been ill in hospital in Calgary and is not here. Others may wish to speak to this item too, so I ask that you allow me to adjourn this debate in my name for the remainder of my time.

On motion of Senator Banks, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY CANADIAN TELEVISION FUND

On the Order:

Resuming debate on the motion of the Honourable Senator Bacon, seconded by the Honourable Senator Milne:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the objectives, operation and governance of the Canadian Television Fund, and

That the Committee submit its final report no later than June 30, 2007.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Question.

Some Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

THE HONOURABLE NOËL A. KINSELLA

MOTION EXPRESSING CONGRATULATIONS AND CONFIDENCE IN SPEAKER—SPEAKER'S RULING—DEBATE CONTINUED

On the order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate congratulates the Honourable Noël Kinsella on his appointment as Speaker and expresses its confidence in him while acknowledging that a Speaker, to be successful and effective in the exercise of the duties of that office, requires the trust and support of a majority of the Senators.—(*Speaker's ruling*)

The Hon. the Speaker pro tempore: Honourable senators, last week, on Tuesday January 30, a point of order was raised by Senator Comeau while the Speaker was in the chair.

I have had the opportunity to consult with the Speaker on this matter and am delivering this ruling on his behalf. The point of order occurred after Senator Joyal had completed his speech on his motion to express congratulations and confidence in the Speaker. While Senator Comeau felt certain that all Senators would agree with the intention of the motion, he questioned its acceptability as a confidence motion in the Chair.

After quoting section 34 of the Constitution Act, 1867, he stated that the Senate does not have the authority to appoint or remove its Speaker, since this power is reserved solely for the Governor General. Further, Senator Comeau suggested that if the Senate wished to take up Senator Joyal's proposal, it would have to seek another more appropriate vehicle to achieve this goal.

[English]

Several other senators contributed to the debate on the point of order. Senator Murray stated that the motion could be amended by deleting its second half, thus resolving Senator Comeau's objection. In addition, Senator Murray recalled that the motion of censure had been moved against one of our former Speakers in 1990.

Senator Hays, during his intervention, sought to draw a distinction between the text of the motion and the content of Senator Joyal's speech. He explained that although Senator Joyal's speech, which he felt was more in keeping with the investigative nature of an inquiry, could lead one to believe that the effect of adopting the motion would be to change the way our Speaker is appointed, there was nothing in the text of the motion to support that conclusion. He also noted that a great deal of leeway has always been accorded to senators with respect to debate on motions or inquiries. Senator Fraser, for her part, echoed Senator Hays' comments and reinforced the idea that the wording of the motion is not unconstitutional. Rather, as she noted, if it states a reality: the Speaker must enjoy the support of a majority of senators, otherwise his rulings may be overturned and his service to the chamber rendered ineffective.

[Translation]

Senator Corbin, quoting Beauchesne's, 6th edition, cautioned Senators that the Speaker is not authorized to render a decision on a constitutional question or a question of law. He contended that Senator Comeau was attempting to ask for such a ruling in his point of order.

• (1530)

Finally, Senator Cools spoke to state her support of Senator Comeau's objection and Senator Murray's comments. She added a few other points to the discussion. First, she stated that the motion is composed of two distinct propositions and could be divided into two questions. She then appealed to Senator Joyal to consider making such a division to his motion. Second, Senator Cools raised the concern that the content of this motion and the nature of the point of order would require the Speaker to be a judge in his own cause. She believed that it would be more appropriate that any debate on the future of the role and functions of the Speaker occur in a separate motion without reference to the incumbent.

[English]

Before giving a decision on the matter, let me thank, on behalf of the Speaker, all honourable senators who participated in the discussion on this point of order. In the interval, the Speaker and I have had time to review the *Debates of the Senate*, examine the procedural authorities and review relevant precedents.

The question to be decided is whether Senator Joyal's motion is procedurally acceptable for debate and decision by the Senate.

[Translation]

Although Senator Comeau's objection was based on both the motion and the speech of Senator Joyal, the question at hand is the motion's procedural acceptability. As a result, it is sufficient to limit consideration to the motion. In addition, while acknowledging Senator Corbin's caveat that the Speaker is not permitted to rule on constitutional questions, the chair's role is to give a ruling on whether debate may proceed on this motion.

After looking at the authorities, there are many precedents for motions of confidence in a Speaker or, as they are sometimes called, motions of censure. As Senator Murray recalled in his intervention, one censure motion in the Senate was moved against the Speaker in 1990, during the events surrounding the GST debate. This motion was debated and remained on the Order Paper for a considerable period of time. Furthermore, *House of Commons Procedure and Practice* by Marleau and Montpetit notes, on page 266, that there have been motions of censure brought against the Speaker of the House of Commons and its Deputy Speakers. In addition, at page 294, over fifteen examples of similar motions against Speakers of provincial and territorial legislatures are cited. From these cases, it is clear that motions of censure and confidence motions in a Speaker are in order and can be debated and decided by an assembly. These precedents are in keeping with remarks found in *Erskine May's*, 23rd edition, on pages 386-387, explaining that any reflection on a Speaker, including confidence issues, may only be debated by way of substantive motion, which allows for a distinct decision of the House.

[English]

Thus far, the issue that has been assessed relates to the acceptability of a censure motion. The authorities and precedents are clear, a censure motion is acceptable. In this case, however, there is nothing in the language of the motion suggesting censure. All the more reason to find it in order. Whatever the outcome, it would not bring about any changes in the current appointment process, role or functions of the Speaker; it would merely be a reflection of the Senate's opinion. Such motions are not uncommon. Already in this session, several motions have been proposed and adopted, commenting on national and international events and issues. As a result, there are no procedural reasons to disallow this motion. The point of order is not well founded, the motion is procedurally acceptable, and debate may continue.

On motion of Senator Banks, debate adjourned.

**INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION**

**MOTION TO AUTHORIZE COMMITTEE TO STUDY
PERMISSIBILITY OF SENATORS' STAFF INQUIRING
INTO THE TRAVELLING DETAILS OF OTHER
SENATORS—MOTION IN AMENDMENT—
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore:

That the Standing Committee on Internal Economy, Budgets and Administration be directed to examine and determine, in light of recent discussions and in light of present Rules, procedures, practices and conventions of the Senate, whether it is appropriate or permissible that persons working in the offices of senators, including senators who are Ministers of the Crown, should obtain or attempt to obtain from hotels used by senators conducting business properly authorized by the Senate, detailed breakdowns including lunches or other costs included in hotel invoices, and including any and all sundry costs associated with the stay; and

That the Committee be directed to report its determination to the Senate no later than Thursday, December 7, 2006;

And on the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Stratton, that the motion be amended by deleting the word "and" at the end of the first paragraph and by adding the following paragraph immediately thereafter:

"That the Committee be directed to take into consideration whether it would be appropriate or permissible for persons working in the offices of Senators to obtain from hotels replacement receipts for the Senator in whose office they work should the originals be misplaced or be otherwise unavailable; and".—(*Honourable Senator Tkachuk*)

Hon. Joseph A. Day: Honourable senators will note that this item, No. 119 on our Order Paper, is currently adjourned in the name of Senator Tkachuk, but I note that it is getting precariously close to dropping off the Order Paper. I have been anxiously awaiting Senator Tkachuk to speak on this matter, but with due apologies to him, I would like to debate this matter, which I believe merits further discussion.

I point out to honourable senators that there will be the necessity for an amendment of the reporting date. The request to report back on Thursday, December 7, 2006, will require an amendment.

I am also conscious of the fact that there is another proposed amendment to this particular motion. The amendment proposed by Senator Comeau and seconded by Senator Stratton should be debated in this chamber.

Under the circumstances, honourable senators, I would ask the matter be adjourned in my name for the balance of my speaking time.

On motion of Senator Day, debate adjourned.

[*Translation*]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 13, 2007, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

The Senate adjourned until Tuesday, February 13, 2007 at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, February 8, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations			
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 disagree with 102, agree Total 158 and disagree with 1, and amend 3 06/11/21	06/11/09 Message from Commons- agree with 52 amendments, disagree with 06/11/09 102, agree and disagree with 1, and amend 3 06/11/21	06/12/12	9/06
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs					
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06
C-26	An Act to amend the Criminal Code (criminal interest rate)	07/02/07							
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11	07/01/31	National Finance					
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06

COMMONS PUBLIC BILLS

[illegible]

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources					
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07		

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OFFICIAL REPORT
(HANSARD)

Tuesday, February 13, 2007

—

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, February 13, 2007

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

NEW HORIZONS FOR SENIORS PROGRAM

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I take very seriously my new portfolio as Secretary of State for Seniors, and as such I was quite concerned last Wednesday, February 7, when during Question Period Senator Chaput stated:

There is a rumour that the government is thinking of slashing and eliminating the New Horizons for Seniors program.

Exactly where this alleged rumour originated was not disclosed. As I said in response last Wednesday, in all of my recent meetings with seniors organizations and individual seniors, I have not heard any concerns raised about the future of this program. There have been no media stories calling into question the Conservative government's commitment to this program.

The New Horizons for Seniors Program provides funding for hundreds of community-based projects across Canada that encourages seniors to contribute to their communities through social participation and active living. Non-profit projects receive small grants of less than \$25,000 for initiatives that enrich the lives of seniors by helping them share their experiences, volunteer in their communities and improve their life skills.

The 2005-06 grants budget for the New Horizons for Seniors Program is \$15.6 million. Just within the last month, on January 18, Minister Solberg announced funding under this program to benefit two seniors groups in New Brunswick and to help Metis elders in Saskatchewan share their skills and culture with young people.

• (1405)

Honourable senators, I do not challenge the absolute right of any member of this chamber to pose questions related to government policies during Question Period. However, I firmly believe that it is incumbent upon all of us to be mindful that unfounded rumours and fear mongering have no place in Parliament, especially when they impact upon our seniors.

[Translation]

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS
ON FORTY-THIRD ANNIVERSARY
AS MEMBER OF PARLIAMENT

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, unfortunately, the man of the hour I would like to talk about had to excuse himself for a few minutes.

Today, I would like to pay a special tribute to our most senior member of Parliament, the Honourable Marcel Prud'homme, whose 43rd anniversary in Parliament we celebrated on Saturday, February 10. This is my first opportunity to highlight his achievement.

Senator Prud'homme was first elected to Parliament in 1964 at barely 30 years of age. Voters in the riding of Saint-Denis went on to re-elect him eight times. He even survived the Conservative wave that washed over Canada in 1984 and 1988.

Senator Prud'homme was appointed to the Senate in 1993. His tenacity, his fighting spirit, his deep sense of conviction and, above all, his legendary and unparalleled political acumen have earned him the title of longest-serving parliamentarian.

Senator Prud'homme has always listened carefully to his constituents and has become well-known for building very strong connections with cultural communities and helping immigrants adapt to their new lives in Canada.

[English]

Moreover, whether in the House of Commons or the Senate, he has made and continues to make a significant contribution to the debate on issues he cares most about, such as disarmament, peace in the Middle East and parliamentary diplomacy.

[Translation]

Marcel Prud'homme is a fiery orator, a great Canadian patriot and a peerless politician. As the dean of Parliament and our own institutional memory, he deserves our sincere praise as well as our deep respect.

[English]

To last so long in a profession where it is often said that one week is an eternity requires a great deal of generosity, vision and dedication. We congratulate Senator Prud'homme and wish him all the best on the occasion of this very special anniversary.

[Translation]

May his wisdom, experience and many talents continue to enrich the work of this chamber and serve as an example for all our colleagues, and particularly those who have had the pleasure of sitting with him in the other place. I wish Senator Prud'homme many more years of success.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I am pleased to rise today to honour our colleague, Honourable Marcel Prud'homme, who, last Saturday, February 10, 2007, celebrated the 43rd anniversary of his election to the Parliament of Canada.

Senator Prud'homme is, without a doubt, an excellent parliamentarian who has proven himself for more than four decades, and is a credit to the Senate and Parliament as a whole.

As a brand new member in 1984, making my first appearance on Parliament Hill, I remember Senator Prud'homme as one of the first members to welcome me. Marcel Prud'homme made certain that all new members in those days felt welcome on the Hill.

At that time, Marcel Prud'homme sat in the opposition caucus and it was therefore somewhat difficult for me to believe that a member sitting on the other side of the House could think so well of us. Over time, I came to understand that Marcel Prud'homme treated everyone in that way, no matter what political party a member belonged to.

I would therefore like to congratulate Senator Marcel Prud'homme on a long career in service to his country and thank him for everything he does on a daily basis for Canadians.

[English]

NATIONAL BAN ON SMOKING IN PUBLIC PLACES

Hon. Mac Harb: Honourable senators, I rise today to share the news that the European Union's executive is seeking a comprehensive ban on smoking in public places across the EU's 27 countries. Each year, 650,000 Europeans die from tobacco-related diseases, and EU Health Commissioner Markos Kyprianou said that a general ban on smoking in all public places would have the most beneficial effect on public health.

[Translation]

Here in Canada, although the Senate unanimously passed a motion calling on the federal government to protect Canadians by banning smoking areas in enclosed workplaces under federal jurisdiction, the government has not acted.

• (1410)

This is a non-partisan issue which has remained unresolved despite domestic and international pressure to ensure workers' safety and to meet our international treaty obligations for smoke-free workplaces.

[English]

Honourable senators, I believe that this matter can be resolved quickly with the cooperation of the various departments involved. There are a number of options available to clean up our legislation and our air. The options include an amendment to the proposed clean air act, the Non-smokers' Health Act or to the Canada Labour Code, perhaps entitled the "Heather Crowe Amendment" in recognition of her public campaign against second-hand smoke and her untimely death.

The European Union is marching toward a ban, despite having to build consensus among 27 countries. Surely, honourable senators, we can achieve this ban in one country by coming together in a non-partisan and cooperative way to ensure that all federal workplaces are safe for Canadians.

I call on the federal government to respect the will of Canadians and the will of this chamber and to take action now.

[Senator Comeau]

INTERNATIONAL SOCIAL SERVICE CANADA

Hon. Terry M. Mercer: Honourable senators, I rise today to echo the comments made by the Honourable Senators Dallaire, Munson and Mitchell on International Social Service Canada. ISS Canada is a non-profit agency that provides linkages to social service agencies worldwide. By cooperating with federal and provincial government departments, ISS Canada develops and promotes national and international policies relating to the protection of children, our most vulnerable citizens.

As one of many advocates of the work done by non-profit organizations in Canada, it is disheartening to hear that the invaluable work done by ISS Canada is in jeopardy because of funding cuts by Canada's new government. As with many non-profit organizations, a majority of funding for these types of organizations is based on donations. However, they are usually not enough and many rely on government funding to get their important work done.

In order to fulfill its mandate, ISS Canada normally receives a grant of \$150,000 from the Department of Foreign Affairs and International Trade. However, through budget cuts last fall, ISS Canada will not receive funding for next year, which means it might have to close its doors. It appears that Canada's new government thinks that the work of ISS Canada is not important, but I beg to differ.

I received an email from an old colleague of mine at the YMCA who currently serves on the ISSC board. She commented that the Toronto Children's Aid Society informed the board that it costs an average of \$30,600 to serve one child in care. In 2005-06, ISSC managed 435 often complex cases in 65 countries on a budget of just over \$300,000, which is less than \$700 per case. This is the result of low overhead, significant volunteer labour and fundraising. I applaud these people for their work.

In addition, honourable senators, ISS Canada works in conjunction with groups such as the Adoption Council of Canada, the Child Welfare League of Canada and the National Children's Alliance, to name a few. How will the work of these groups be affected by the funding cuts to ISS Canada? Will they have funding cuts of their own? I find it deplorable that people are ignoring these current budget cuts to valuable programs, which Canada's new government seems to have done in order to merely provide tax cuts to the wealthy friends of the Conservative Party. The existence of programs such as ISS Canada and many literacy and women's programs is in jeopardy.

Honourable senators, who will replace their services? How can we replace a modest yet highly effective service of this type once it is gone? Who will fight for the children?

THE LATE SISTER BERNICE CULLEN

Hon. Catherine S. Callbeck: Honourable senators, our nation is enriched by the contribution of citizens from all walks of life. The fabric of our society is strengthened because of the spirit of public service of those who give so selflessly to others around them. Many, in their own quiet and unassuming way, have helped to make our country a better place.

Today I want to pay tribute to the life of one of those remarkable and outstanding citizens. Sister Bernice Cullen of the Congregation of Saint Martha died in Charlottetown, Prince Edward Island, at the age of 92, following a long and distinguished life in service to her faith and to her country. She was a teacher, a spiritual leader, a friend and, above all, a devoted servant to her congregation and her God.

• (1415)

Sister Cullen grew up in rural Prince Edward Island and was the last surviving member of her family of 11 brothers and sisters. She joined the Congregation of Saint Martha and continued her studies at Saint Dunstan's University in Charlottetown. In 1941, as a mark of her character and conviction, she became the first female to ever receive a degree from that university.

Sister Cullen went on to become a teacher and faithful member of her congregation. With the support and encouragement of her congregation, she completed her doctoral studies at Notre Dame. Following her graduation, she became the first woman member of the religious studies department at Saint Dunstan's University, which was later merged with the University of Prince Edward Island.

The respect and admiration in which she was held by her colleagues and many friends was reflected in the presentation to her of a University of Prince Edward Island Founders Award, in which she was cited for her dedication to her faith and her devotion to her profession.

Yet, she will be remembered most for her endearing qualities, her perceptive wit and wisdom and her deep and abiding generosity of spirit. It can be said of Sister Cullen that she enriched the lives of all those who knew her. As she said towards the end of her long life of service to others, her vocation was at the centre of her being.

Honourable senators, it is people like Sister Bernice Cullen who have made such an outstanding contribution to our quality and way of life. It is people like her who have done so much in their own quiet way to make the world around them a better place for all. Her humility and service to her fellow citizens and to her faith stand as a legacy to a most warm and gentle human being.

In paying tribute to the life of Sister Bernice Cullen, I also express my deepest condolences to the Congregation of Saint Martha, to the members of her extended family and to her many friends and colleagues. She has left a void that will never be filled.

NORTHWEST TERRITORIES

WINTERLUDE—SNOW SCULPTURE TEAM— CONGRATULATIONS ON WINNING FIRST PRIZE

Hon. Nick G. Sibbeston: Honourable senators, I am pleased to tell you that the team from the Northwest Territories won first prize in the National Snow Sculpture Competition held this past weekend as part of Ottawa's Winterlude Festival. They were chosen by their peers to receive the prestigious Artists' Choice Award.

The Northwest Territories' 16-foot high winning entry depicted a polar bear locked arm-in-arm with a hunter in a wild dance during an encounter in the Arctic. Both whimsical and moving,

this gravity-defying sculpture captured the need for joy and spontaneity and expressed the close connection between man and nature felt deeply by all Northerners.

The winning team was truly representative of the North, consisting of Eli Nasogaluak, who is Inuvialuit from the Mackenzie Delta area, John Sabourin, who is Dene from the Deh Cho area, and my son, Randy Sibbeston, a Metis.

Because of the cold temperatures last week, the condition of the snow for completing the sculpture was ideal.

I know all of the representatives from across the country enjoyed building their sculptures. I found it amazing and exciting to watch the various figures arise from the big cubes of snow.

Nova Scotia won second prize, British Columbia won third and Alberta won the Public Choice Award.

• (1420)

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

FEBRUARY 2007 REPORT TABLED

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada to the House of Commons, *Status Report 2007*, pursuant to section 7(5) of the Auditor General Act.

[English]

BUDGET IMPLEMENTATION BILL, 2006, NO. 2

REPORT OF COMMITTEE PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, February 13, 2007

The Standing Senate Committee on National Finance has the honour to present its

TENTH REPORT

Your Committee, to which was referred Bill C-28, A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006, has, in obedience to the Order of Reference of Wednesday, January 31, 2007 examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JOSEPH A. DAY
Chair

He said: Honourable senators, this bill is being reported without amendment but on division.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Di Nino, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

SCRUTINY OF REGULATIONS

FOURTH REPORT OF JOINT COMMITTEE PRESENTED

Hon. J. Trevor Eyton, Joint Chair of the Standing Joint Committee of the Senate and House of Commons for the Scrutiny of Regulations, presented the following report:

Tuesday, February 13, 2007

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

FOURTH REPORT (Report No. 78 - Disallowance)

Pursuant to section 19.1(1) of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, as amended by S.C. 2003, c.18, and having notified the Minister of Fisheries and Oceans in accordance with section 19.1(2) of that Act, the Joint Committee resolves that section 36(2) of the *Ontario Fishery Regulations, 1989*, as enacted by SOR/89-93, be revoked.

The text of the provision it is proposed to disallow is reproduced in Appendix A to this Report. Appendix B contains the statutory notice to the Minister of Fisheries and Oceans. The Committee's reasons for disallowance are set out in Appendix C.

Pursuant to section 19.1(5) of the *Statutory Instruments Act*, the resolution contained in this Report shall be deemed to have been adopted by the Senate or the House of Commons on the fifteenth sitting day after the Report is presented to that House unless, before that time, a Minister files with the Speaker of that House a motion to the effect that the resolution not be adopted.

A copy of the relevant *Minutes of Proceedings and Evidence (Issue No. 8, First Session, Thirty-Ninth Parliament)* is tabled in the House of Commons.

Respectfully submitted,

J. TREVOR EYTON
Joint Chair

(For text of appendices, see today's Journals of the Senate, Appendix, p. 1052.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Eyton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE SENATE

NOTICE OF MOTION TO APOLOGIZE TO FORMER STUDENTS OF INDIAN RESIDENTIAL SCHOOLS

Hon. Nick G. Sibbeston: Honourable senators, I give notice that at the next sitting I will move:

That the Senate make a formal apology to all former students of Indian Residential Schools for the harm suffered to their language, culture and well-being, especially those students who were also victims of physical and sexual abuse, and;

That the Senate call on the House of Commons and the Government of Canada to issue formal apologies to all former students.

[Translation]

CRISIS IN CANADIAN CULTURE

NOTICE OF INQUIRY

Hon. Andrée Champagne: Honourable senators, I give notice that two days hence:

I will call the attention of the Senate to the crisis in Canada's cultural sector.

• (1425)

QUESTION PERIOD

JUSTICE

JUDICIAL APPOINTMENTS—COMPOSITION OF SELECTION COMMITTEES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. Need I remind this chamber that the underlying principle of every democracy, as defined by Montesquieu, is the separation of the legislative, executive and judicial powers?

On this side of the chamber we are particularly perturbed by the deliberate manner in which the government is attacking the independence of the judiciary.

In fact, this government has altered the composition of the judicial advisory committees. First, it has appropriated the majority of seats; second, it has imposed police representative as a member; third, it is appointing partisan representatives for the purpose of screening candidates so that those nominated share the particular ideology of the Conservative Party.

[Senator Day]

Will the government listen to the Chief Justice of the Supreme Court of Canada, the Rt. Hon. Beverley McLachlin, who urged that the public's confidence in the appointment process be maintained and that the process not be politicized?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The government makes no apologies for including competent and professional individuals on the judicial advisory panels. The committee process, as I explained in an answer in this place before the Christmas break, was set in place by the Conservative government in 1988. We have complete confidence in individuals who serve on those advisory panels, and the government will continue to appoint judges based on merit and legal excellence, and we will take into account the views of a broad range of individuals that will serve on these judicial advisory committees.

[Translation]

Senator Hervieux-Payette: Honourable senators, this government, which likes to wrap itself in integrity, ethics and transparency, is demonstrating that it has none of these attributes. It is wallowing in manipulation and secrecy, as shown by such manoeuvres, which undermine the spirit of our institutions and are denounced by most people who are familiar with our system.

During the election campaign, the Prime Minister wanted to reassure Canadians when he said that the judicial system and the Senate would serve as a check on his government. Not only does this statement denigrate our institutions, but we can now expect to see a politicized judiciary on the extreme right.

After one year of "new government", at a time when there are more than 1,000 names on the eligibility lists for judicial appointments and the Prime Minister is trying to reduce the role of the Senate, can the Leader of the Government in the Senate tell us when the Prime Minister is going to instruct his Minister of Justice to appoint qualified new judges to serve justice and those who come before the courts, when the provinces have been calling for these appointments for over a year?

[English]

Senator LeBreton: Honourable senators, in 2006 our government appointed 54 individuals as federal judges, based on the recommendations of the judicial advisory committee in each jurisdiction. Those advisory committees, of course, were set up by the previous government. Appointments are based solely on merit. Political connections have no impact on whether a person is recommended for appointment, and candidates who are well qualified should not be excluded simply because of their previous political connections. Certainly, that is the case of many judges that presently serve on the court who have backgrounds in several political parties. They are never accused of letting their political affiliations interfere with their ability to properly adjudicate.

The former Liberal Minister of Justice, Irwin Cotler, said in a speech in Vancouver on August 15, 2005:

Indeed, to exclude excellent and engaged professionals from consideration for judicial office would not only limit the available pool of candidates for both political and judicial office but it also might chill participation in the democratic process itself.

• (1430)

To answer the question as to when future vacancies will be filled, Minister Nicholson has recently taken over this portfolio from Minister Toews. Minister Nicholson is working with his provincial counterparts and with the judicial advisory councils to ensure that the individuals he will present to cabinet are well-qualified, competent individuals who will serve our judiciary in an exemplary fashion.

LEADER OF THE GOVERNMENT

COMMENTS REGARDING LIBERAL SENATORS

Hon. Lorna Milne: Honourable senators, my question is to the Leader of the Government in the Senate. On Wednesday last week, the minister stood in the foyer of the Senate with the government House leader from the other place to make disparaging remarks about some senators.

Throughout the entire history of this place, I believe that was the first time that the person who held the honourable senator's position used that position to denigrate the essential role that this place plays in our bicameral parliamentary system rather than to support the work this place does.

Does the minister realize that by poor mouthing "non-elected Liberal senators" she is not only attempting to destroy the reputation of Liberal senators in this place but also runs down the hard work done by all senators on both sides of this chamber? Mud sticks to the person who throws it as well as to the people it is directed at.

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for that question. I participated in a media conference with the Government House leader in the other place to make the point that a simple bill, namely Bill S-4, on Senate tenure, is long overdue. As I pointed out at that press conference, the basic premise of the bill is supported by the honourable senator's new leader, the Honourable Stéphane Dion.

As far as my role as the Leader of the Government in the Senate is concerned, I did not disparage individuals. I simply made a statement on something that is obvious to most people in this country; that is, an unelected body should not thwart the will of the elected House of Commons on any issue. We introduced this bill in the Senate because we thought the Senate should have a say in this important legislation, which is two paragraphs long.

Honourable senators, I take my responsibilities seriously. I believe it is incumbent upon us all to recognize that renewal and reform is required for the Senate of Canada. I make no apologies for speaking in the interests of the Canadian taxpayer.

Senator Milne: Honourable senators, I believe I pointed out that it was, I think, the first time in history that sort of thing has happened.

Some Hon. Senators: Shame.

Senator Milne: The Leader of the Government in the Senate has always been known and somewhat respected for the way she defended a past Prime Minister. In fact, the minister has the reputation of being an attack dog in his defence. Why has she become such a docile lap dog for this Prime Minister?

Senator LeBreton: Honourable senators, that question does not even deserve an answer, because any position I take in the Senate, either on my own behalf or on behalf of the government, is something in which I truly believe. I believe that the Senate requires reform. I believe that the Canadian public is desirous that this place change. I will not talk about Senate "firsts." I have not checked the record to see if there was a precedent, but if we were to talk about Senate "firsts", I do not think the Honourable Senator Milne would want to go there.

• (1435)

We do not want to get into the issues of senators starving themselves on benches, of GST debates, where people were shouting down a speaker, blowing whistles and kazoos, showing a complete disrespect for Parliament, which I would argue was the beginning of the end for the respect the public had for the Senate.

Senator Cools: There were no kazoos!

HEALTH

PROPOSAL TO CREATE NATIONAL MENTAL HEALTH COMMISSION

Hon. Catherine S. Callbeck: Honourable senators, my question is directed to the Leader of the Government in the Senate. During the election campaign, her party committed to establishing a public health commission, as recommended by the Senate Social Affairs Committee, on which I have the honour to serve. However, the Conservative government has just ended an online public consultation about establishing such a commission. The online questionnaire states that the consultation is seeking Canadian's views, in particular — among other things — on "the need (or lack thereof) for a mental health commission."

Does the fact that the consultation is now closed mean that the government is having second thoughts about establishing a mental health commission?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. As we addressed in our platform during the last election, the government is committed to a mental health commissioner. Online consultation is something that we in the government have engaged in, to involve the Canadian public directly in the consultation process.

I can assure the honourable senator that the issue of mental health is one that the government takes very seriously. We know the consequences not only in personal terms but also in terms of the financial burden on families and on our society.

The honourable senator ought not to read anything negative into the fact that we decided to consult with the public.

Senator Callbeck: I am pleased to hear that the government is still committed to a mental health commission, because it certainly will be of great benefit to many Canadians. Mental health affects one in five Canadians during their lifetime.

In October, in this house, the Leader of the Government in the Senate indicated that the Minister of Health was having talks with the provinces on the establishment of a mental health commission. Could the leader bring us up to date on those discussions and indicate to us when we can expect to hear from the Minister of Health regarding the establishment of a mental health commission?

Senator LeBreton: Honourable senators, last fall, when I answered that question, I indicated that setting up this particular body had significant budgetary consequences and would therefore be part of the budget consultation process. The Minister of Health met with all ministers of health last Friday. They had a successful meeting on the issue of wait times. I do not know whether Minister Clement specifically addressed the issue of a mental health commission with his provincial counterparts, so I will take that portion of the question as notice and get back to the honourable senator as quickly as possible.

[Later]

Hon. Marilyn Trenholme Counsell: Honourable senators, I was listening carefully to the question of the honourable senator and the reply of the honourable Leader of the Government in the Senate. I picked up the same thing, or maybe it is my hearing, but I thought I heard exactly the same thing last fall and I should have questioned it then. It seems to me that the honourable senator who asked the question was referring to the mental health commission and I think again today I heard a little flubbing of this matter on behalf of the honourable leader who used the word "commissioner." The leader said the government was committed to a mental health commissioner, which is a very small part of the concept that was hailed by Canadians from coast to coast to coast of a mental health commission.

Did the Leader of the Government in the Senate use the word "commissioner"? If so, was that word an intended reduction of the original commitment to a commission?

Senator LeBreton: Honourable senators, when Senator Callbeck first asked the question she referred to a "public health commission." I then realized that she was talking about a mental health commission. I may have used the term "commissioner." Obviously, if a mental health commission is set up it needs a commissioner.

I imagine that would be the first order of business once Minister Clement has assessed the needs and requirements and the money has been allotted in a budget to establish such a body. I believe I did refer to it as a body, although I may have used the word "commissioner" because, at different times, I have had various people suggested to me who would be excellent candidates for the position of commissioner of the mental health commission.

NATURAL RESOURCES

COMMERCIAL BUILDING INCENTIVE PROGRAM— CANCELLATION

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate. I apologize for not having given notice on this, because I think it might require a little homework. A deferred answer would be fine.

I want to talk about commercial buildings. It is hard to believe, but there are about \$500 billion worth of new commercial buildings on the drawing board in Canada at the moment. Commercial buildings are in existence for a long time, and the role they occupy in the ecology and environment is important. The way a building is built will determine how it will react in our environment for a long time.

For eight years, a program called the Commercial Building Incentive Program has been in place in Canada, to assist people who put up commercial buildings in making them more ecologically responsible. The program has been successful. It provides design and money assistance of up to \$60,000 in a building to help make it more environmentally responsible as a building. The program is hugely successful. Nine hundred commercial buildings have been put up in Canada since that program began, in practically every city across the country. Builders have set good examples of how commercial buildings ought to be built for the long term. The buildings have resulted in much higher energy efficiency, much lower operating costs and much higher resale values.

• (1440)

To quote from a press release from Natural Resources Canada, dated January 20:

Natural Resources Canada's Office of Energy Efficiency encourages the design and construction of new, energy-efficient commercial, institutional and multi-unit residential buildings and facilities. The Commercial Building Incentive Program (CBIP) provides design assistance and funding of up to \$60,000. . . .

Energy-efficient buildings yield long-term energy savings. Lower operating costs increase the resale value of the building and provide a competitive leasing advantage over standard buildings.

We now learn that the program has not only been fully subscribed, but that it will be cancelled. How soon will the leader be able to tell us why the government would cancel a program that has such demonstrable efficiency with respect to doing good things for Canadian business and the Canadian environment?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I watched a news item on the CBC last week about the Commercial Building Incentive Program. They cited a building here in Ottawa's west end with which I am familiar. The outcome of the story was that the government has made a decision to invest money that is spent on this program on small business and on individual homes. I will

take the suggestion and the first part of the question on the larger corporations and businesses as notice, but I know that Minister Lunn has announced, or is in the process of announcing, a program that will assist small businesses and which, by the way, are the backbone of our country, and individual home owners.

Senator Banks: Honourable senators, will the leader also take into account in the answer the fact that programs were already in place to assist small businesses and to assist in the cost, design and retrofitting of private dwelling houses? The programs already exist. We do not need to cancel one program to do something for programs that already exist, but I look forward to the answer.

• (1445)

ENERGY PROGRAMS TO ASSIST LOW INCOME CITIZENS

Hon. Lorna Milne: Honourable senators, supplementary to the question by Senator Banks about the reintroduction of the Liberal EnerGuide Program, what is not known about the new program is that the component designed to help low income households was not reintroduced. This means that many low income families who could have committed themselves to saving energy will now choose not to because they cannot afford the energy audits.

With this situation in mind, my question is for the Leader of the Government in the Senate. Is this government committed to saving energy for some groups of Canadians and not for others? Is this government interested only in cleaning up the environment in some neighbourhoods and not others?

I ask this question because it appears to the outside observer that this government, while pledging itself to protect Canada's environment, is allowing low income Canadians to be literally shut out in the cold.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, Senator Milne needs to tone down her scare tactics. In the whole issue of the environment — poor air quality, poor water quality, toxins in our food, et cetera — I do not think anything discriminates between poorer Canadians or more wealthy ones.

I saw an announcement today on a special housing initiative that the government has embarked upon to assist people to have more energy-efficient homes. I do not believe our policies discriminate against anyone. I think we take this issue seriously; and any program to assist homeowners to make their homes more energy efficient will obviously apply to all homeowners whether they are low income, middle income or upper income. I cannot imagine that the program would discriminate against any Canadian who wished to access it.

Senator Milne: Honourable senators, I do not know if I should thank the Leader of the Government in the Senate for that answer or not, because I prefer to think I have taken my lessons on asking questions from her.

Minister Lunn said that there are more than 13 million homes and 380,000 buildings in this country. They use 30 per cent of our energy and are responsible for about 30 per cent of the greenhouse gas emissions. Unfortunately for this government,

they are not all in Rockcliffe or Rosedale. Some of these houses are in low income neighbourhoods and these people also deserve the chance to save energy and help protect our environment.

It is increasingly difficult to believe that only two years ago, the EnerGuide Program received the unanimous support of the Conservative Party in a vote in the other place. It has been almost 400 days since this government has taken power. Can the Leader of the Government in the Senate assure honourable senators that this government will spend its next 400 days being more productive in protecting the environment and helping low income Canadians?

• (1450)

Senator LeBreton: Honourable senators, I will not get into the demographics of Rosedale or Rockcliffe, but the people who support the Conservative Party are more likely to be what I call "my Tim Hortons' focus groups." In January, the government announced a \$60-million eco-energy initiative for buildings. As I pointed out in response to previous questions, more than 50 per cent of the costs associated with the EnerGuide program were administrative. The current government will take the dollars invested in such programs and put them where they belong — in the hands of Canadians who are desirous of retrofitting their homes or building new homes. Obviously, while some lower-income Canadians live in their own homes others live in public housing. I feel certain that the federal government will work hard with all levels of government and with industry to ensure that our programs are accessible to Canadians. When the statistics become available, I am sure we will discover that more middle- and low-income Canadians will have access to the programs than the people who live in Rockcliffe or in Rosedale.

THE ENVIRONMENT

NORTHERN CLIMATE EXCHANGE PROGRAM— OUTCOME OF MEETINGS TO RESTORE FUNDING

Hon. Nick G. Sibbeston: Honourable senators, my question to the Leader of the Government in the Senate concerns funding cuts to organizations that deal with climate change in the North. The issue of climate change is so relevant to the North because the North is so vulnerable. Last week, it was reported in the *Ottawa Citizen* and on CBC North that the federal government is cutting \$320,000 to Northern Climate ExChange, in Whitehorse, Yukon. The NCE has been operating since 2000 to provide credible independent information, to develop shared understanding and to promote action on climate change in Northern Canada. The organization has played an important role in facilitating Arctic science and engaging northerners in climate change.

The Government of Yukon supports the Northern Climate ExChange. Premier Fentie was in Ottawa last week to meet with Minister Baird and his colleagues to discuss the importance of restoring the funding to the NCE. Could the Leader of the Government in the Senate tell the Senate whether Premier Fentie was successful in his efforts to have the federal funding restored to this important organization for climate change initiatives in the North?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Northern Climate ExChange program was funded out of

the former One-Tonne Challenge program, although that was not made clear in the news reports.

I shall take as notice the honourable senator's question on the outcome of Premier Fentie's meeting with Minister Baird.

In recent weeks, the government has announced \$2 billion for the ecoENERGY Initiatives, respecting clean energy technology, renewable energy and greater efficiency use by Canadians. The Prime Minister announced the new Canada ecoTrust to support provincial and territorial governments. We heard the first part of that announcement yesterday. Unlike the failed voluntary emission reductions approach of the previous government, this government will regulate both greenhouse gases and air pollution with short-term, medium-term and long-term targets.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I hereby give notice that when we proceed to government business, the Senate will begin with Item No. 3 under Bills and then continue with the other items as they appear on the Order Paper.

• (1455)

[English]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. George J. Furey: Honourable senators, the situation presented to the Senate by the introduction of Bill S-4 is complex and delicate. The bill in itself is simple, but its implications are far reaching.

We are all aware that in 1979, the Supreme Court of Canada advised government that it may unilaterally alter the Senate with a housekeeping measure. Some have argued, perhaps because of its simplicity, that Bill S-4 is a mere housekeeping measure. It seems to me there was a false note in such a characterization of Bill S-4. It could only be so characterized in the minds of reasonable people if it were truly analogous to the 1965 amendment to impose mandatory retirement at the age of 75.

I do not believe, honourable senators, that it is constructive to attempt to turn this debate on the pedantic argument that a mandatory retirement clause is the same as an eight-year

tenure. I believe it would trivialize the importance of what has been discussed here, and what will be discussed here, to enter into sterile arguments about whether eight years is too short or 12 years is too long. I suggest that there is no inherently right tenure answer because length of tenure, per se, is not the issue. Whether the Senate can effectively carry out its functions under an eight-year tenure, that is the issue.

In 1965, the Honourable John Diefenbaker, speaking as then Leader of the Opposition, explained the logic of the age amendment introduced to the Senate. He compared the Senate to the judiciary and said that since judges were forced into an age tenure so, too, should the Senate.

We can carry this reasoning one step further and ask the basic question whether the judiciary in the country would consider it mere "housekeeping" to be reduced to an eight-year term. I am quite confident that the judiciary would balk at such a notion. Honourable senators may wish to review the *Provincial Court Judges Reference* to appreciate how seriously the judiciary takes the view of independence, even in so small a matter as a minimal reduction in judicial salaries associated with a general government-wide cost-cutting exercise.

Many senators have looked beyond the bill to try to understand its implications. Immediately, the issue of Senate election becomes central to a proper understanding of the functioning of Bill S-4. It is disingenuous to assert, and it should not be accepted, that Bill S-4 stands or falls on its own merits. This Senate may well, in its wisdom, choose to pass Senate election legislation and thus be induced by necessity to include concomitant term limit machinery.

This is not the same as saying Bill S-4 is unconstitutional. It may be unconstitutional. I agree with Senator Joyal; I believe it is unconstitutional. On its own, Bill S-4 severely impairs the independence of the Senate. That alone makes it unconstitutional. It is part and parcel of election machinery. That alone makes it unconstitutional.

I am sure senators would agree that the assertiveness and independence of the Senate would be increased by elections. Elections carry their own legitimacy, and elected senators would have little difficulty asserting their independence under an eight-year term.

An unelected Senate restricted to an eight-year term would have no such ability. Consider what George Brown, leader of the early Reform Party, said on term limits:

... but it has been said that though you may give the power to the executive to increase the numbers of the Upper House, in the event of deadlock you might limit the term for which the members are appointed. I was myself in favour of that proposition. I thought it would be well to provide for a more frequent change in the composition of the Upper House and lessen the danger of the chamber being largely composed of gentlemen whose advanced years might forbid the punctual and vigorous discharge of their public duties. Still the objection made to this was very strong. It was said: Suppose you appoint them for nine years, what will be the effect? For the last three or four years of their term they would be anticipating its expiry and anxiously looking to the

administration for the day for reappointment; and the consequence would be that a third of the members would be under the influence of the executive". The desire was to render the Upper House a thoroughly independent body — one that would be in the best position to canvass dispassionately the measures of this House and stand up for the public interests in opposition to hasty or partisan legislation.

• (1500)

Honourable senators, parliamentary politics are a fluid and inexact affair. When a newly elected prime minister states that it is time to reform the Senate he must be taken seriously. This does not mean that his plan is necessarily a wise one. It may mean his plan courts a sequel of events we do not want to see again in this country. It may mean the plan needs to be rejected with whatever consequences may follow.

There is room to refuse Senate acceptance of Bill S-4 on the simple grounds that it is colourable legislation. It is election machinery legislation without the full details of the election process laid out in that same legislation. On this ground alone, it could be refused.

Having admitted the real purpose behind the legislation, I need only quote Mr. Justice La Forest in the *Provincial Court Judges Reference* when he said:

Purpose is nevertheless relevant. As Dickson C.J. noted in *Beauregard* . . . legislation dealing with judges' salaries will be suspect if there is "any hint that . . . [it] was enacted for an improper or colourable purpose".

Senator Joyal referred to the British House of Lords in his recent speech and gave us some insight into how Westminster views such changes in a modern world. It is a very helpful reference. In this regard, I wish to make a few comments about a pivotal election in British history that might help give us some perspective on how to address and view Bill S-4.

In 1906, the Liberal Party of England under Henry Campbell Bannerman won a massive majority and faced a Conservative Lords. It indicated that if the Lords made it impossible for the Liberals to govern there would be need for legislation to restrict them. The Lords ignored the warning and, in fact, rejected the budget of Lloyd George. The government of H.H. Asquith, which succeeded Bannerman, went to an election on the issue of reopening the Constitution on both the Lords and Home Rule.

Like our elections, honourable senators, other issues often dominate and obscure central issues or elements. This election was fought more along the lines of free trade and only passing reference was made to the Lords. The Liberals won the election and introduced the now famous Parliament Act of 1910. The Parliament Act removed the Lords' power of rejection of money bills and gave a mere suspensory veto over remaining legislation.

The Canadian Senate has never acted quite so precipitously as the Lords in Britain did in 1906; and, if it did, the Commons would not find it as easy to change the Senate by a mere election. The mere fact that a government wants a thing is not sufficient and has never been sufficient in our system of law to bring the thing about. There must be agreement with the stakeholders. It is

of the utmost importance to note that the Senate was created on behalf of the regions of this great country, and regional agreement must be obtained for fundamental changes.

Honourable senators, I do not believe that any in this chamber fear change. I do not believe that any in this chamber would impede improvement, nor do I believe that any in this chamber would wish to thwart the known will of the Canadian people. However, I do believe that everyone in this Chamber is of the view that change and improvement must be brought about with careful and deliberate debate, and must meet the rigour of constitutional correctness. To allow otherwise would be to descend into political chaos.

Fellow senators have all been witness to events on the constitutional plane involving the Senate over the last generation. None of these events changed the Senate. When I listen to people discuss the Senate-related constitutional events that took place between 1979 and 1992, I often hear of the "failure to reform the Senate." That same language is being freighted into Bill S-4 discussions.

Honourable senators, there are certain fundamentals that can be acknowledged about constitutional events involving the Senate over the last 28 years. In 1979, the then Prime Minister asked the Supreme Court whether government could alter the composition of the Senate, giving half the appointments to the provinces or, in the alternative, could it be abolished. The Supreme Court said no.

The federal and provincial governments spent the next three years amending the Constitution and left the Senate alone. Shortly thereafter, the Charlottetown Accord presumed to radically alter the Senate to suggest equality and election.

Honourable senators, I would like to briefly reflect on what Stephen Harper, then the Policy Director of the Reform Party, had to say about Charlottetown. After careful reflection, Stephen Harper insisted on objecting to the accord because "this was no deal." Fifty issues, many on the reform of the Senate, needed to be resolved, including things that needed constitutional amendment.

Stephen Harper argued that the Charlottetown Accord was "worse than the status quo." He said:

Well our constitution today may be flawed, but surely that is no reason to dump it for something that is undefined and to start negotiating the constitution for years to come. That's exactly what Canadians don't want . . .

. . . the public is making clear to us that they'll not support further constitutional negotiations at this time. . . . You're going to have to give up your pet constitutional projects because the public —

— and these are the words of Stephen Harper —

— is absolutely sick to death of this.

Honourable senators, what has changed since then? In the last two federal elections, I did not detect any appetite for reopening the Constitution from any of our leaders. More importantly, it did not seem to me that Stephen Harper had changed his 1992 position regarding the lack of appetite for reopening the Constitution. Every statement that Mr. Harper made then

against the Charlottetown Accord applies today to Bill S-4. It is not a complete, self-contained reform. It has been indicated that it is a preliminary part of election machinery. The election-machinery part will no doubt require constitutional change, yet Bill S-4 is being introduced before there is any sense that the Constitution will be changed to carry out full reform.

In order to see Bill S-4 in its proper perspective, honourable senators, it is also useful to look again at what the founders of Confederation were thinking about on this issue in the run-up to 1867. The original intention of the Fathers of Confederation regarding the Senate is an important compass point to any argument to change it. Their intention founded our great country, and though it does not bar modern evolution, it does require careful reflection on the only Senate agreement that actually gained national support.

The unelected nature of the Senate was one of the most careful and deliberate factors in the constitutional formation conferences of Charlottetown, Quebec and London. Like so many other things in Canada that have stood the test of time, the Fathers of Confederation had actually thought of this issue in exactly the same terms as we are thinking about it and debating it today. This is not to say that their intentions need to be decisive, but we must be careful before we simply dispose of a Constitution we have for one we do not. This, honourable senators, is doing no more than echoing Prime Minister Harper from his own Charlottetown debate in 1992.

Historian G.P. Browne said that on September 26, 1864, the Lieutenant-Governor of Prince Edward Island explained to the British colonial secretary what Galt, Cartier and Brown had told him. He states:

. . . the discussions of the conference were for the most part conducted in a conversational and informal manner. Two subjects were debated at length: judicial appointments and composition and mode of election of the Senate. It was generally desired that the members of this body should be nominated for life by the crown and with hardly an exception the elective principle as applied to the (Senate) was decidedly condemned . . .

. . . the mode of election is far less important than the retention of the seat for life when once obtained. The possession of a seat for life tends, as I have often had occasion to observe, to encourage freedom of thought, speech and action, and it is on this character of comparative independence that one of the main uses of the legislative council is to be found.

On October 11, 1864, Sir John A. Macdonald said:

. . . with respect to the mode of appointments to the Upper House, some are in favour of the elective principle. More are in favour of appointment by the Crown. I will keep my mind open on that point as if it were a new question to me altogether. At present, I am in favour of appointment by the Crown. While I do not admit that the elective principle has been a failure in Canada, I think we had better return to the original principle.

• (1510)

During that debate there were several ideas similar to Prime Minister Harper's idea put before the conference. For example, Coles of Prince Edward Island suggested that the provincial legislature appoint the Senate every eight years. The next day, the original motion of Sir John A. Macdonald was carried unanimously.

The Quebec conference ended October 27, 1864, with the resolutions that would, by and large, form the British North America Act. However, in the ensuing three years Britain made several attempts to alter the Senate.

The Hon. the Speaker *pro tempore*: Honourable Senator Furey, are you asking for more time? Your time has expired.

Senator Furey: May I have five more minutes, please?

The Hon. the Speaker *pro tempore*: Is it agreed?

Hon. Senators: Agreed.

Senator Furey: On December 3, 1864, the British colonial secretary wrote the Canadian Governor General stating:

... the second point which Her Majesty's Government desires should be reconsidered is the constitution of the legislative council They appreciate the considerations which have influenced the conference in determining the mode in which this body so important to the legislature But it appears to Her Majesty to require fuller consideration whether if members be appointed for life

The British government disagreed with the Canadian idea of Senate tenure for life. The disapproval was conveyed to the delegates who meanwhile were in their legislative assemblies defending the 1864 resolutions.

By July 24, 1866, Her Majesty had more to say on the legislative council. In a letter to Lord Carnarvon, Governor General Monck states that he:

... objects to the legislative council being composed of members appointed for life, with their number fixed.

The London Conference opened in England on December 4, 1866. It is clear that the delegates were facing pressure from the English government to deal with the issue of Senate tenure.

As one may expect, their minds were focused on the one issue that the Crown had identified as a problem. I would like to quote only Archibald from Nova Scotia to sum up the tenor of the debate that took place. He said:

... this lies at the root of our whole scheme the spirit of which is that each province shall be sectionally represented in the legislative council. The Upper House may disagree with the House of Commons. Its value will be that of occasional obstruction.

At the end of that conference, on Christmas Eve, 1866, the delegates submitted their revised resolutions.

By February 2, 1867, the third draft of the BNA Act included tenure for life.

I realize, honourable senators, that this has been a somewhat tedious and, for some, perhaps a pedantic exercise in raking historical ashes. However, the exercise is compelling for one important reason. The Senate was not some arbitrary, undemocratic concoction of unthinking, anachronistic, 19th century men. There was careful and explicit reasoning for establishing the tenure term as it was established. There was explicit reference to possible appointment for nine years and it was explicitly rejected.

Now we are faced in the Senate with Bill S-4 as the decided will of the Prime Minister and the Conservative government, and it must be given respectful consideration. However, it seems to me that it is deficient. The origin of the country was a long dialogue between component parts where eight-year Senate tenure was reviewed and decidedly rejected. The various attempts at Senate reform in the 20th century failed to gain national support and, more importantly, had negative effects on the country's stability. Decisions of the judiciary suggest that such a term limit would be rejected by the judiciary. Decisions of the judiciary further suggest that colourable legislation is invalid. The lengthy and thoughtful debates of Galt, Tilly, Langevin, Cartier, Brown and Macdonald, to name just a few, suggest otherwise as well.

Honourable senators, Bill S-4 is not a piece of mere legislation and, given its historic importance, does not appear to manifest the decided will of the country to make this historic change. I do not object to such a change where the deliberate will of the country is manifest, but I urge all honourable senators to await that occasion before agreeing to Bill S-4.

As an unelected legislator, I do not feel competent to second-guess the Prime Minister on the ultimate wisdom of electing the Senate. If the country wishes it after a meaningful and reflective debate, it will happen. However, the explicit intentions of the founders of our great country cannot be thrown over by a mere piece of questionable legislation.

Walter Bagehot was a famous English journalist and writer of the 19th century. He was an early editor of *The Economist* magazine and wrote the English Constitution. Christopher Moore, the writer of the recent Canadian book, *1867: How the Fathers Made a Deal*, identifies Bagehot as taking a special and sustained interest in the formation of the British North America Act in 1867. Incidentally, Bagehot was worried about the Canadian Senate creating perpetual deadlock with the Commons.

Nevertheless, it was Bagehot who properly identified the effective reality of modern parliamentary government in Britain and Canada, and it is in light of his following comments that we must be prepared to protect the Senate:

... the most dangerous of all sinister interests is that of the executive government, because it is the most powerful. It is perfectly possible — it has happened, and will happen again — that the Cabinet, being very powerful in the Commons, may inflict minor measures on the nation which the nation did not like but which the nation did not

understand enough to forbid. If therefore, a tribunal of revision can be found in which the executive, though powerful, is less powerful, the government will be the better, the retarding Chamber will impede minor instances of parliamentary tyranny, though it will not prevent or much impede revolution . . .

. . . it is almost the same thing to say the House of Lords is independent. It would not be powerful, it would not be possible, unless it were known to be independent. The Lords are in several respects more independent than the Commons. Their judgment may not be so good a judgment but it is emphatically their own.

Honourable senators, it seems to me that with these points in mind the best course for the Senate to take is a simple rejection of Bill S-4.

Hon. Lillian Eva Dyck: Honourable senators, I was unsure as to whether I should join the debate on second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure). However, after listening to Senator McCoy, in particular, I felt the need to speak.

From what Senator McCoy said, it was clear that the original allocation of senators was intended to protect minorities, the less densely populated regions and the francophone population from the tyranny of the majority of anglophone Central Canada. I believe that if the Senate is to be truly reformed, it also ought to be configured in a way that protects the interests of the four designated groups: women, the disabled, Aboriginals and visible minorities. A reformed Senate ought to listen to and incorporate their thoughts, and it ought to include members of these four groups in the same proportion as in the general population.

In March 2005, the then Prime Minister, Paul Martin, summoned nine Canadian citizens to the Senate of Canada. To my complete surprise, I was one of them. I received a phone call from the Prime Minister's Office right out of the blue, and not the Conservative blue. I did not know how it came to be that I was selected for appointment. The only details that I gleaned with respect to the selection process were that a person had to be at least 30 years of age, had to reside and continue to reside in their home province, had to own \$4,000 worth of property, and had to have a record of public achievements.

At the dinner reception for us newly appointed senators, we heard speeches about how wonderful a country Canada is. It is great. I am proud to be a Canadian. Canadians have much to be proud of; our nation believes it and passes legislation that provides for basic fundamental freedoms and equality of its citizens.

On the one hand I know this to be true, yet at the same time I know for some of us it is not necessarily true. As I look at the history of federal legislation and how it affected my family and others like me, the ideals of our country and the reality of our lives do not necessarily match up. There is a political and cognitive dissonance.

For example, Canadian Indians were not given the right to vote federally until 1920. Then they could only vote if they were willing to become enfranchised; that is, if they were willing to give up their legal status of "Indian" as defined by the Indian Act. It was

not until 40 years later, in 1960, that Indians were allowed to vote without losing their Indian status.

Honourable senators, can you imagine what this meant in real life? What it meant in my family is this: My mother did not have the right to vote as a status Indian until 1960. She would have been 40 years old before she could vote. It also meant that I would have been 15 years old and in grade 9 before she had the right to vote. Can you imagine being in grade 9 and having a parent who was born in this country and yet was not allowed to vote? It seems unbelievable.

• (1520)

My father, who was a Chinese Canadian, did not have the right to vote federally until 1947. Though he was an immigrant and my mother was a native Canadian, so to speak, as an Indian, an indigenous person, she did not have the right to vote until 13 years later, in 1960.

On reflection, I can see why politics was not talked about at the supper table in my home. My parents were not treated like true citizens of Canada. For most of their lives they did not have the right to vote. They were disenfranchised for most of their lives here in Canada. Yet I am a senator here in Ottawa in the Senate.

Only in Canada could someone like myself, whose parents were desperately poor, whose parents were treated as second-class citizens for most of their lives, whose parents had little or no formal education, only in Canada could the daughter of such parents have had the opportunity to advance herself through education, hard work, and through community work to somehow be summoned to the Senate.

While some say the system for selecting senators is flawed, I think in my case at least, it worked, although I am biased.

Some Hon. Senators: Hear, hear!

Senator Dyck: However, it worked only because the Prime Minister apparently made a conscious choice to summon someone who did not fit the usual mould, someone who was not a male, Anglo-Saxon lawyer or former politician.

When I was summoned to the Senate, I was told that I had a choice. I could sit as a Liberal or an independent. Others in our group were offered different choices, or were even told what party affiliation they must choose. However, in my own case, after conferring with the clerk's office, I was told that I could choose to sit as a member of any political party, so I chose to be an NDP senator.

The rapid manner in which I was appointed did not allow me to investigate what being a senator entailed or what the implications of being a NDP senator were. There was no time. I was asked to accept or decline the invitation to become a senator immediately. I said I needed to think about it overnight. I was asked not to talk to anyone about the offer. I agreed. I did not talk to anyone about the offer, other than my dog, whom I knew would not talk to the press.

To my dismay, the headline of our local newspaper read, "NDP Rejects Dyck." Unfortunately, Mr. Layton appeared to think that Mr. Martin had deliberately appointed me as a NDP senator, rather than it being my choice. Subsequently, many

NDP members from Saskatchewan, including Premier Lorne Calvert and Minister Pat Atkinson, lobbied unsuccessfully on my behalf. I have not been able to attend federal NDP caucus meetings, though the NDP women invite me to their caucus meetings, and I do attend.

I was even challenged to either refuse the Senate appointment or sit as an independent senator. Neither of these options seemed to me to be reasonable or fair, though I have changed my designation to independent NDP, as it is a more accurate reflection of the situation.

How could I say no to a Senate appointment? The issue of my appointment as a senator was much bigger than me alone or the official party policy of the NDP on the Senate. I could not refuse the appointment because I can help voice the concerns of others like me. I am a First Nations woman. I am a first generation Chinese Canadian. I could not deny other Canadians of similar heritage the opportunity to feel that they too are good enough to sit here in the chamber, and that they have a right to sit here in this chamber. To me, this issue is far more important than any official party policy based on theory rather than on the realities of being a minority person.

I outlined my story to illustrate the lack of clarity surrounding the process for selecting senators and the power that the Prime Minister exercises in this regard. Even our current Prime Minister, Stephen Harper, used the power of his office alone without any advisory elections to appoint a senator.

Interestingly, when the Senate is mentioned in the media these days, the phrase "Liberal dominated" is often used with a negative connotation. In this context then, introducing Bill S-4 here rather than in the other place is an interesting tactic. It essentially places all senators, perhaps more so for the Liberals, in a Catch-22 situation whereby we can be criticized if we vote for the bill, and we can be criticized if we vote against the bill. If we vote for the bill, it could be said that we agree with the view that senators become stagnant if we are in the job for more than eight years. We could also be accused of being hypocritical as we would retain our longer terms of appointments but limit those of newly appointed senators. However, if we vote against the bill, we could be criticized for blocking the passage of the bill for purely partisan reasons, even though there may be valid reasons not to pass this bill. We are damned if we do, and we are damned if we do not.

Bill S-4, to reduce the tenure of senators appointed in the future to eight years, is apparently the first step of this minority Conservative government to reform the Senate. This bill, however, seems aimed more at enhancing the job performance of individual senators rather than the purposes or functions of the Senate.

It has been argued that reducing the tenure of senators will increase the turnover of senators and thereby introduce fresh ideas into the Senate chamber. I agree that it is good to have people with fresh ideas, but at the same time, it is good to balance that with the wisdom of our elders whose knowledge and experience here in this chamber has been acquired over many more years than eight.

Is reducing the tenure of senators the best way to introduce fresh ideas? I do not think so. It is possible for the Prime Minister

alone to reform the Senate, that is, to reconfigure the makeup of the Senate, without enacting any legislation whatsoever, simply by making different choices of the types of people the Prime Minister appoints.

As other senators have said, the Prime Minister has the power to appoint whomever the Prime Minister wants to the Senate, and perhaps we ought to debate whether the Prime Minister should be required to follow a minimum set of guidelines. Perhaps parameters ought to be devised and publicized to guide the Prime Minister in choosing new senators.

For example, if the Prime Minister were required to aim for parity for the four designated groups — women, the disabled, visible minorities and Aboriginals — that would create much greater diversity of ideas and experience in the Senate than simply reducing the length of term that any individual senator could serve.

When I was summoned to the Senate, I was surprised that about 30 per cent of senators were women, and I was pleasantly surprised to note too that there were five Aboriginal senators at that time.

The greater representation of women in the Senate compared to the other place seems to be a consequence of deliberate choices by former prime ministers, such as Jean Chrétien, who selected approximately equal numbers of men and women in his senatorial appointments. At the time that I was summoned, Paul Martin also chose nearly equal numbers of men and women. There were four women and five men in our class of 2005 in the spring.

However, why should the representation of women or minorities in the Senate be determined solely by the goodwill or the whim of the Prime Minister? In a modern democracy, should not proportional representation of women and minorities be a requirement in the guidelines for selection of senators that the Prime Minister must follow?

In conclusion, I do not think that Bill S-4 is necessary to reform the Senate in terms of its revitalization. However, setting parameters on the senatorial selection process that the Prime Minister follows, requiring the Prime Minister to ensure parity for the four designated groups — women, the disabled, Aboriginals and visible minorities — will revitalize the Senate more so than simply reducing tenure.

Hon. Lorna Milne: I move adjournment of the debate.

The Hon. the Speaker pro tempore: It was moved by Senator Milne, seconded by Senator Gill, that further debate be adjourned until the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Those in favour will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: I think the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker *pro tempore*: Is there agreement for a 30-minute bell? The bells will ring for 30 minutes. Call in the senators.

• (1600)

Motion agreed to and debate adjourned on the following division:

YEAS THE HONOURABLE SENATORS

Atkins	Furey
Austin	Gill
Bacon	Goldstein
Baker	Grafstein
Banks	Hays
Biron	Hervieux-Payette
Bryden	Joyal
Callbeck	Mahovlich
Carstairs	Milne
Chaput	Mitchell
Cook	Moore
Corbin	Munson
Cordy	Pépin
Cowan	Peterson
Dallaire	Phalen
Dawson	Poulin
De Bané	Ringuette
Downe	Robichaud
Dyck	Smith
Eggleton	Spivak
Fairbairn	Stollery
Fitzpatrick	Tardif
Fox	Trenholme Counsell—47
Fraser	

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	Meighen
Champagne	Nancy Ruth
Comeau	Nolin
Di Nino	Segal
Eyton	St. Germain
Gustafson	Stratton—15
Johnson	

ABSTENTIONS THE HONOURABLE SENATORS

Cools	Prud'homme—2
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CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. J. Trevor Eyton moved second reading of Bill C-26, to amend the Criminal Code (criminal interest rate).

He said: Honourable senators, it is my pleasure to rise today to speak in support of Bill C-26, an act to amend the Criminal Code, criminal interest rate.

Bill C-26 proposes amendments to the Criminal Code that will result in greater consumer protection for those in Canada who have come to use the services of the payday lending industry on a regular basis. This industry has existed in Canada for a little over a decade, but to date has operated in the absence of an industry-specific regulatory framework. Bill C-26 will assist in remedying this absence. I urge all honourable senators to join with me in supporting the quick passage of this important bill into law.

Concerns in relation to the Canadian payday lending industry have existed for some time. Federal, provincial and territorial governments, the media and consumer groups all have engaged in discussions about the most appropriate way to address the legitimate concerns, including questionable business practices associated with debt collection, the high cost of borrowing, and the faulty disclosure of contractual terms.

Honourable senators, there is agreement across the country that something should be done to ensure that consumers are afforded effective consumer protection in respect of the payday lending industry. Bill C-26 will enable this protection, and I am pleased to report that this proposed legislation coming before us was informed by consultations between the federal, provincial and territorial governments, notably through the work of the ministers responsible for consumer affairs.

Payday lending and the payday lending industry have come to occupy a visible place in Canada's cities and towns. For better and for worse, the short-term, small loans offered by payday lenders have become a common way for many to borrow money.

The reasons people use these alternative retail lenders to borrow money are varied, but what is abundantly clear is that they are, in fact, borrowing a great deal. According to some estimates, \$1.7 billion is borrowed annually by consumers through the estimated 1,300-plus payday lending centres operating in every province and territory across Canada, except Quebec. In Quebec's case, the absence of a payday lending industry is the result of that province's decision not to issue licences to businesses charging more than 35 per cent annual interest. That decision has effectively precluded the operation of the payday lending industry in that province. In all other provinces and territories, they flourish. What is obvious to anyone is that the payday lending industry is now solidly established in Canada and continues to grow. It is important, therefore, to ensure that the consumers who use the services of payday lenders are protected from exploitive practices.

What is a payday loan? Generally speaking, it is a small loan, averaging about \$300, which is often secured against the borrower's paycheque. A paycheque, however, is not necessarily the only possible security for this type of loan. In many cases, all

that is required is proof of steady income, for example, pension income is included. In addition, the loan period for a payday loan is typically short, generally something like 10 days or perhaps until the borrower's next scheduled receipt of income.

Qualifying for this type of loan is relatively easy. To do so, a person must provide a postdated cheque or some other form of pre-authorized debit and proof of income. The postdated cheque will cover the cost of repaying the loan, including the principal amount, interest charged and other associated fees.

By all accounts, this scenario appears simple and relatively anonymous for the borrower. These characteristics, in fact, are why so many people come to rely upon the services of these alternative retail lenders. Unfortunately, others have come to rely upon payday lending out of necessity, to make it from paycheque to paycheque and to cover their bills. Regardless of the reasons, Canadian consumers might reasonably expect their governments to enact the necessary legislative framework to provide appropriate protection. This government is committed to meeting these expectations and, in so doing, improving the quality of life for our citizens.

• (1610)

Bill C-26 will amend the Criminal Code and ensure that provinces and territories have the needed flexibility to enact legislative measures to regulate the payday lending industry in their jurisdictions. They will be able to do so in the manner they feel most appropriate and best addresses the needs of their resident consumers. This can be accomplished by creating an exemption scheme from section 347 of the Criminal Code, the criminal interest rate provision.

Some may argue that this is not an appropriate way to provide protection to those who use the services of payday lenders; that, instead, the federal government should establish a national scheme to address borrowing costs for payday lending. Others may argue that it is not the place of the federal government to intrude into the affairs of the provinces and territories. To this, let me say that the approach proposed by Bill C-26 appropriately balances the needs of all jurisdictions and recognizes that the provinces and territories are best placed to implement consumer protection measures to address the payday lending industry. Let me also say there is general agreement across the jurisdictions for the need to exempt legitimate and deserving payday lenders from section 347 of the Criminal Code, as proposed by Bill C-26.

Section 347 makes it a criminal offence to enter into an arrangement or agreement to receive interest in excess of 60 per cent annually. Section 347 was first added to our Criminal Code to combat organized crime and its specific role in the practice of loan sharking. This provision was not intended to regulate otherwise legitimate business transactions. However, despite its intended purpose, section 347 has nonetheless been interpreted as applying to most lending arrangements in Canada.

Honourable senators, section 347 is not the appropriate mechanism to provide consumer protection and we are not alone in this assessment. We have heard from many jurisdictions, and they have indicated that section 347 is not a suitable mechanism for consumer protection. For example, the Public

Interest Advocacy Centre has indicated that the criminal interest rate provision is in fact a barrier to the effective provincial regulation of the payday lending industry. For this, and other reasons previously mentioned, the proposed amendments contained in Bill C-26 are important, ultimately resulting in greater protection for consumers.

Bill C-26 proposes to add a new provision to the Criminal Code, section 347.1. This section would set out an exemption from section 347 of the Criminal Code for payday lenders under specific and circumscribed instances. In so doing, Bill C-26 clears the way for the provinces and territories to regulate this industry.

Reflective of the fact that a payday loan is generally a small-sum loan for a short period of time, Bill C-26 defines payday loan to mean:

An advancement of money in exchange for a post-dated cheque, a pre-authorized debit or a future payment of a similar nature, but not for any guarantee, suretyship, overdraft protection or security or property and not through a margin loan, pawnbroking, a line of credit or a credit card.

What is evident from this definition is that the proposed legislation is directed specifically at the payday lending industry, for the proposed exemption will not apply to pawnbrokers or other methods of lending, such as through a line of credit. This makes sense since the policy considerations associated with those other forms of lending are quite different.

Bill C-26 further limits the lending arrangements by providing an exemption to payday loans which are \$1,500 or less for periods that do not exceed 62 days. Again, these parameters are reflective of a typical payday loan scenario and were developed in consultation with the provinces and territories. These limits will provide flexibility to borrowers, lenders and provincial regulators while capturing the essential nature of payday loans, that is, a short-term loan for a small amount.

Bill C-26 proposes additional requirements before the exemption from section 347 of the Criminal Code would take effect. Particularly, the payday lender will need to be licensed or otherwise authorized by the laws of the province or territory to enter into a payday loan agreement. This requirement speaks to the ultimate goal of the proposed legislation: effective regulation of the payday lending industry in Canada. The province or territory will also be required to have in place consumer protection measures that are applicable to the payday lending industry. Of course, the precise content of that legislation will largely be left to the respective provincial and territorial jurisdiction concerned. It is this fact, honourable senators, which speaks to the innovation of the proposed amendments.

Bill C-26 recognizes that the provinces and territories are best placed to identify the elements that are necessary to ensure effective consumer protection within their respective jurisdictions. Thus, they will be free to build upon their existing legislation, as is necessary, and in a manner complementing their existing legislation in this area. In many cases, this will mean amendments to existing consumer protection legislation that has been enacted through the constitutional competence the provinces

and territories have over property and civil rights. Indeed, this has been the case in both Nova Scotia and Manitoba, where both jurisdictions have passed amendments to their consumer protection laws to address the payday lending industry. Both of these jurisdictions are awaiting the passage of Bill C-26.

For an exemption from section 347 to exist, Bill C-26 will also require the provincial consumer protection scheme to include a limit on the total cost of borrowing. This is very important, for consumers will be protected from exorbitant charges and given clear disclosure requirements, such that they will know precisely the cost of borrowing from any payday lender. This will ultimately result in a more informed decision, while at the same time ensuring a timely, transparent and competitive environment. What their limits will be will also be left to the provinces and territories to decide, for the provinces and territories are best placed to identify the total cap that should be charged, again having regard to the existing legislation framework and local circumstances.

The final requirement proposed by Bill C-26 for an exemption to apply is that the province or territory in which the payday lender is operating be designated by the federal government. This is a straight-forward process. In practice, a province or territory would, through a letter to the federal Minister of Justice, demonstrate it has legislative pressures in place that set out consumer protection measures for those seeking payday loans, including, as noted, a limit on the total cost of borrowing along with a regime that ensures a transparent and competitive marketplace.

If, upon the recommendation of the federal Minister of Industry, the Minister of Justice is satisfied that the province meets these requirements for an exemption, a recommendation to grant the exemption will be made to the Governor-in-Council. It should be pointed out that Bill C-26 provides that this designation can be rescinded in those instances where the province or territory no longer meets the requirements for the designation or where the rescission has been requested by the province.

It is important to point out that Bill C-26 will not apply to federally regulated financial institutions, such as banks. Banks are a matter of federal responsibility under Canada's Constitution and there are numerous federal pieces of legislation regulating these institutions.

Honourable senators, Canada is a vast and diverse country and the needs of our citizens will vary from jurisdiction to jurisdiction. It is important, therefore, that our legal systems respond appropriately to address these needs. While all of our citizens require effective consumer protection, the exact nature of that protection should be reflective of the particular circumstances of the respective jurisdictions.

I believe that the approach proposed in Bill C-26 is a sensible one and responds to the needs of all jurisdictions and the relevant constitutional considerations. Moreover, it is reflective of this government's commitment to work with the provinces and territories to find solutions to issues of mutual interest. Ultimately, that will mean greater protection to Canadian consumers.

In closing, I strongly urge all honourable senators to support this important piece of legislation. It will assist consumers across

Canada by making it possible for the provinces and territories to enact consumer legislation as they see fit that will protect the users of the payday lending industry. I believe Bill C-26 is a sensible and pragmatic response to an issue which we can all agree requires immediate attention.

On motion of Senator Calbeck, debate adjourned.

• (1620)

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Comeau*)

Hon. Consiglio Di Nino: Honourable senators, as I am sure many, if not most — maybe all — of our colleagues in the Senate are aware, philanthropy is of enormous benefit and value to our country. I am sure many honourable senators have been involved in raising money for charities and not-for-profit organizations.

This item is now in its fifteenth day. Given the importance of philanthropy, I should like to speak to Bill S-204, but I have not prepared a speech for today. As such, I should like to adjourn this item in my name for the time I have remaining of my 15 minutes.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

CONSTITUTION ACT, 1867

REPORT OF SPECIAL COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Fraser, for the adoption of the second report of the Special Senate Committee on Senate Reform (motion to amend the Constitution of Canada (western regional representation in the Senate), without amendment but with observations), presented in the Senate on October 26, 2006;

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Campbell, that the second report of the Special Senate Committee on Senate Reform be not now adopted but that

the motion to amend the Constitution of Canada (western regional representation in the Senate), be amended as follows:

(a) by replacing, in the third paragraph of the motion, the words "British Columbia be made a separate division represented by 12 Senators;" with the following:

"British Columbia be made a separate division represented by 24 Senators;"

(b) by replacing, in clause 1 of the Schedule to the motion, in section 21, the words "consist of One hundred and seventeen Members" with the following:

"consist of One hundred and twenty-nine Members;"

(c) by replacing, in clause 1 of the Schedule to the motion, in section 22, the words "British Columbia by Twelve Senators;" with the following:

"British Columbia by Twenty-four Senators;"

(d) by striking out, in clause 2 of the Schedule to the motion, in section 27, the words "or, in the case of British Columbia, Twelve Senators;" and

(e) by replacing, in clause 2 of the Schedule to the motion, in section 28, the words "exceed One hundred and twenty-seven." with the following:

"exceed One hundred and thirty-nine."—(*Honourable Senator Nolin*)

Hon. Pierre Claude Nolin: Honourable senators, I am pleased to participate in this debate on the motion tabled by honourable Senators Murray and Austin and on Senator Tkachuk's motion in amendment.

At the outset, I would like to provide some context for the main motion. For those who may have forgotten or who would like me to refresh their memory, this motion proposes a constitutional amendment.

This amendment would increase the number of senators by 12. This increase would be divided as follows: six more senators for British Columbia, for a total of 12 representatives; four more senators for Alberta, for a total of 10 senators; and one more senator each for Saskatchewan and Manitoba, for a total of seven senators each.

A corollary amendment results from section 26 of the Constitution Act, 1867, which allows the Governor in Council to increase the number of senators by four or eight. The corollary provision in Senator Murray's motion proposes amending this number to five or ten senators, in order to allow for equal representation in each of the senatorial divisions. Thus, this motion aims to give the Senate greater regional representation through the creation of a fifth division.

The committee that examined this question also looked closely at the amending formula needed to impose this amendment. The amending formula is set out in section 38 of the Constitution Act,

1982. This amending procedure requires ratification by the Senate, the House of Commons and the legislative assemblies of at least two-thirds of the provinces having at least 50 per cent of the population of Canada.

This is commonly referred to as the 7/50 formula, since Canada has ten provinces. I believe I have summarized the main motion.

In the case of the amending motion, it aims to double this number. I will focus primarily on analyzing the main motion. Thus, it is a question of creating two divisions in an area of Canada where there is currently only one.

I would first like to thank those honourable senators who worked so hard to examine this issue. Following my remarks, I will make a recommendation, which I trust will please them.

We must recognize, as they do in their report, that for more than 30 years, all plans for reform, all discussion, all the documents that have been signed, and any serious analyses that have examined Senate reform have all talked about increasing the representation of Canada's western provinces.

It is a recurring theme, and one that is not incidental. That is the reality. Since 1971, the Province of British Columbia has wanted to be considered as a separate region, and not only for the purpose of calculating senatorial representation. More recent history has shown that its desire goes much further. The province is requesting this distinction in order to become what the report identifies as "Canada's Pacific region".

The report lists a series of distinctive characteristics that make British Columbia a region in its own right, separate from the rest of Western Canada and very distinct in its composition.

I think that it is important to inform all the senators who have looked at this report and those who have not looked at it that none of the expert witnesses voiced any major concerns about the creation of this fifth region. I think it is important that all senators be aware of that.

Some witnesses raised concerns, but on the whole, the expert witnesses the committee heard did not voice any major concerns about the creation of this fifth region, which would be the Province of British Columbia.

It is important to mention that the committee opted for a concept that I would call the "concept of pragmatic balance". We often hear references to "regional balance", to "parity", and to the compromise of 1915, when the four senate divisions were constituted or recognized.

• (1630)

The committee is to be congratulated for exploring and maintaining this principle of pragmatic balance. I would like to quote a passage from page 13 of the report:

The result, in Senate representation, has been a unique Canadian balance that takes population size, geographical size, political identity and commonality of interest into account, without the rigidity that would apply to any strictly-applied formula for allocating seats. The concept of "region" remains useful in this balance, as a way

of recognizing distinctive representational needs in combination with significant concentrations of population and economic weight while, as the assignment of seats to the three territories demonstrates, not precluding responsiveness to other needs.

In our analysis, we have to keep in mind the reason why the committee opted for this concept of pragmatic balance, which allows us to set aside this strict, perfect balance and take a much more pragmatic approach, with a view to achieving better representation in the upper house of the Parliament of Canada.

The committee believes — and I agree — that the recognition of British Columbia as a fifth region needs to be assessed in conjunction with the recognition of the Prairie provinces as a region, as well as on its own. Again, the committee was able to maintain the concept of pragmatic balance.

We must also applaud the committee members for their sound analysis in comparing the provinces and recognizing the existence of “middle tier” provinces. I would like to cite a passage from the report, on page 13:

Recognition of two regions in the West responds to the fact that population growth, especially in Alberta and British Columbia, has made these provinces middle tier provinces within the Canadian federation. As minority provinces, compared with Quebec and Ontario, they continue to require heightened representation but, at the same time, the current populations and economic weight of Alberta and British Columbia call for representation beyond that of provinces in Atlantic Canada. Considered on its own, the demographic and economic distinctiveness of British Columbia provides ample reason for regional status, as was recognized by Parliament in the mid-nineties (in regional ratification legislation outlined in “Background,” above).

In view of the time I have left, we can wait until another day to debate whether or not it is necessary to recognize the five regions in order to approve the proposed motion. We must agree with the committee's proposal as expressed in Senator Murray's motion.

My commentary does not stop there. By the way, I do not agree with Senator Tkachuk's proposed amendment. It undermines this principle of pragmatic balance upheld by the committee, a principle we should keep in mind.

The amendment proposed by Senator Tkachuk does not respect this pragmatic balance. The number proposed in the amendment to the amendment is too high and we cannot describe this proposal as balanced. That is why I prefer Senator Murray's main proposal.

Throughout this debate, we must look at this motion in amendment as a component of a much greater debate that affects the reform of our institution. Every time we talk about Senate reform and when experts, or supposed experts, talk about it, one word keeps coming up and it is not the word you think. It is not “election” or “equality”, the word that keeps coming up in the

report is “effective”. We should linger over this word because it represents the primary reason we should be considering reform of our institution.

I have three comments. The first I make as a Quebecer. Some of you are wondering why a Quebecer with 24 protected seats in the Senate, on a par with Ontario, obtained through a historic compromise in 1864 — to which Senator Furey referred in another debate — can set aside his traditional position and agree to study a minor reform that will give British Columbia the status of region and, consequently, increase its representation.

Quebec took note of the debates in the early 1990s. As Minister Pelletier stated when testifying before the committee, Quebec cannot remain stubbornly entrenched in its positions and refuse to participate in any debate concerning the institution's effectiveness. Those who believe that Quebec's position on this issue has not changed should take another look at their own positions. Quebec has decided to take a much more active and complete role in this debate on improving the effectiveness of our institution.

When Quebec negotiated with Ontario the hard-won 1864 compromise that created the Senate of Canada, Quebec was the bastion of Catholic French-Canadians. Unfortunately, that is all the time I have been allocated. I would ask for five more minutes.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to grant Senator Nolin five more minutes?

Some Hon. Senators: Agreed.

Senator Nolin: However, Quebec was not the only region with French Canadians. Acknowledging this historic fact must remain a priority when Quebec decides to seriously participate in the evolution of our federation. It is imperative for Quebec — and that is why Quebec has agreed — to examine all the possibilities for the evolution of our Parliament into a much more effective parliament and one that has greater respect for the aspirations of all Canadians, not only those of Quebecers, and not only those of Quebecers who believe that because we were once a bastion of Catholic French-Canadians at the time, but today somewhat more divided, that the end of the world has arrived.

• (1640)

Quebecers today recognize — and Minister Pelletier reiterated this — that in Canada there are a million francophones who are not Quebecers. That is why we have to develop or find solutions to improve our parliamentary system and to make this reality possible.

I believe that seeking effectiveness is not just an external endeavour. Those who think that any solution must go through a constitutional amendment are wrong. Many of these reforms can be done internally. If we took the time to look at everything we can do internally to improve the effectiveness of our institution, we would be surprised. Senator Banks referred to this last week when he talked about regional caucuses, independent from the political parties, caucuses that bring together colleagues from the same region to develop and reflect together on proposals that are of interest to their region.

Before concluding, I would like us to think about creating a standing Senate committee that would — not in an ad hoc or temporary manner, but permanently — examine the state of Canadians' knowledge of the Senate, the evolution of public opinion, the evolution of the options provided. Why? To involve those who argue that it is a parceled out and divided proposal and that we cannot review a change because we cannot isolate it and because Senate reform is so complex that it must be done as a whole. When we go to vote on this, we should vote on reform as a whole and not isolate the reforms. I am sorry, but that is not what politics is all about. I think politics is the art of the possible.

That said, I think we should have in our institution a group of senators whose responsibility it is to glean this information and provide it to us when the need arises. I think that it would be in our best interest to invest time and money in setting up this committee that would strive for effectiveness.

Hon. Daniel Hays: Honourable senators, I want to thank Senator Nolin for his speech, which illustrated the spirit of Canada as it existed in 1867, especially considering this was a speech by a senator from Quebec. I have do not have any questions, I simply wanted to thank you.

[English]

I appreciate your comments about the committee's report. I think the committee did some good work.

[Translation]

I also appreciate the concepts of pragmatic balance and effectiveness, which shone out clearly in your comments.

On motion of Senator Ringuette, debate adjourned.

[English]

STUDY ON RURAL POVERTY

REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Understanding Freefall: The Challenge of the Rural Poor*, tabled in the Senate on December 13, 2006.—(Honourable Senator Fairbairn, P.C.)

Hon. Joyce Fairbairn: It is my pleasure, honourable senators, to tell you a little bit about the work the Standing Senate Committee on Agriculture and Forestry is doing. As senators know, our committee is in the midst of a wide-ranging study on rural poverty. This is the first time we are aware of that this focus has been placed in either parliamentary chamber. On the basis of the broad testimony we heard last fall, we wrote our interim report, which was tabled in the Senate chamber on December 13, 2006, and which, by all accounts, has really struck a nerve across the country. Canadians are taking note, and they have let us know that. I think every member of the committee, even though the report was released just before Christmas, was overwhelmed by phone calls from media and others to ask more about what we were doing.

Honourable senators, something is happening in rural Canada, and it is time that we paid attention to it. Indeed, for too long, the plights of rural Canada and the rural poor, in particular, have been largely ignored. Not any more, honourable senators. We are not ignoring this issue here in the Senate. Indeed, we are continuing our hearings here in Ottawa. In the coming months, we will be travelling to every province in the land and visiting rural Canadians in their communities, in their workplaces and even in their homes. It is our hope to visit the northern territories as well before a final report is produced. Our travels begin next Monday, in Corner Brook, Newfoundland and Labrador, following which we will travel to Nova Scotia, New Brunswick, and then out to Prince George, in British Columbia, and then across the Prairies. We look forward to reporting back to honourable senators on those findings as well. Periodically, we will be back here in Ottawa, to have hearings in both Quebec and Ontario, which are close by.

For the moment, I should like to focus on some of the major themes from our interim report. The first thing to say about the rural poor is that, in some ways, they are invisible. They are invisible because they do not beg for change. They do not congregate in downtown cores. They rarely line up in homeless shelters because, with few exceptions, there are no homeless shelters. They are invisible. As some of our witnesses told us last week, they only visit their food banks in the evening after dark when they cannot be easily identified. They rarely complain about their plight because that is just not the way things are done in rural Canada. In fact, the incidence of poverty is higher in rural Canada than in urban Canada, and most of the new food banks, we are told, are now opening in the rural part of this country and not the big cities.

Even these statistics, though, do not quite capture the full breadth of the problem. Statistics rarely do. Rural families in difficulties often end up in our cities, forced out of their communities by a lack of economic choice, and sudden find themselves devoid of the familial and social supports that are such an important part of our daily life. At least some portion of urban poverty is, in a sense, rural poverty.

This out-migration points to a large systematic problem, which is that rural Canada is losing its people. Statistics Canada tells us that rural Canada's population fell for the first time ever between 1996 and 2001. Rural Canadians, and especially young people, are leaving for the cities in search of economics, educational opportunities and a decent standard of living.

• (1650)

Who can blame them when the farm sector is beset by one crippling challenge after another, whether it is bovine spongiform encephalopathy, BSE, drought, a strong Canadian dollar or trade action? Who can blame them when the forestry sector is shedding jobs at an unprecedented rate, threatening the existence of the more than 300 rural communities that depend on forest-sector jobs? Who can blame rural Canadians and rural youth, in particular, when everywhere they turn, the media, and largely the urban media, are full of stories about the excitement of the cities that do not focus on the importance, productivity and history of the land, the people, and the communities that live on it?

Only last week the Conference Board of Canada came out with yet another study saying that Canada needs to think of itself as an urban country first and foremost. It argued that strong growth in the hub cities of Toronto, Montreal, Vancouver, Halifax, Winnipeg, Regina, Saskatoon, Calgary and Edmonton is all it takes to lift up all parts of our country.

That scenario might be fine in some parts of the country but where does it leave Newfoundland, Prince Edward Island, New Brunswick or even Nova Scotia: provinces without the kind of hub cities in the urban part of this country? Where does that leave a place, for instance, such as Kapuskasing, Ontario, which is 850 kilometres from Toronto, or Keg River, Alberta, which is approximately 700 kilometres from Edmonton?

Honourable senators, the situation in rural Canada in many ways is challenging, but I would be remiss if I did not tell you today that it is not only an image of gloom and doom. Despite serious challenges there is every reason to be hopeful about rural Canada's future.

To begin with, rural Canada is becoming an increasingly desirable place for manufacturers who are drawn into its low real estate prices and skilled labour. Everyone knows, for example, that farm families are some of the best workers anywhere in this country. Despite all the youth out-migration, rural Canada is benefiting from a wave of in-migration comprised mostly of young families and baby boomers nearing retirement who want to leave the city pressures behind.

Finally, rural Canadians themselves have demonstrated time and again their resilience and progressive attitude. These citizens have deep reservoirs of talent, skill and work ethics, and are waiting for an opportunity to show the world what they can do. Our travels will reflect this sense of optimism. While we will visit places and meet people who are struggling, the committee also believes it is important to visit places and talk to people who have managed, perhaps with a bit of help, to turn their situation around, and their own experience and skill has led them through it.

Most of the policy proposals that are dismissed in our interim report, which is called *Understanding Freefall: The Challenge of the Rural Poor*, are the top-down style of helping rural Canada. That approach is no longer appropriate, if it ever was. Instead, governments must help our rural citizens to capitalize on their strengths and assets, which we have identified.

A cynic may well say, and they have, why bother? Why should we not leave them to work through their own challenges? In the words of one of our witnesses, we care because this issue is ultimately a matter of citizenship. We also care because our urban society needs rural Canada, not only for its farm products, minerals, water, trees and natural beauty, but also for its people, culture, and promise.

I want to thank all the members of the committee. I want to thank, in particular, Senator Segal for raising this issue shortly after he entered this chamber as a senator. It is a great committee, honourable senators. Every member needs to be thanked for the effort that they continue to make on this study, and we look forward to reporting our recommendations.

Finally, I give a special thanks to my co-chair, Senator Gustafson. We have been hanging around the Standing Senate Committee on Agriculture and Forestry for more years than we want to admit. He has been an absolute welcoming angel because he is a farmer. He is a real farmer, he cares what this industry is all about, and he has great knowledge and concern about where it is going.

Altogether, with that kind of prodding from our colleague, we are trying to accomplish this goal with what is one of the most important studies that we have had in the Senate for a long time.

Hon. Hugh Segal: Honourable senators, I want to speak in support of my colleague, Senator Fairbairn, our distinguished chair of the committee, to indicate that, both in terms of the majority and the minority, there is a strong consensus on the committee, without regard to any partisan division, about the importance of this issue.

I want to reflect on one phone call I received amongst the many that honourable senators on the committee received after the most recent report came out. The call was from a reporter calling from Germany on behalf of a German national magazine, who was stunned to find out that Canada was essentially an urban country at 94 per cent to 95 per cent urbanization. Australia and Canada are the two countries in the world with the greatest level of urbanization. The German view, which she reflected, was that Canada is a country of wheat fields, massive farming capacity and large farming communities that feed North America and the world.

I had to disabuse her, not of the productivity of our farming, not of its efficiency, not of the quality of what is done, but to let her know that, sadly, large parts of Canada are being depopulated because the conditions for any meaningful quality of life and economic opportunity are diminishing so rapidly.

When I gave her some of the statistics she was truly stunned. When I said that Germany was in fact the more agricultural country with a more rural real density than Canada, she was overwhelmed. That is the hard truth. I want to express my support for the report that we all embrace in a non-partisan way, for the work of our chair, which has been outstanding, and for the commitment that we all share to ask the core question.

• (1700)

We invest strategically in this country in many important things. We invest in shipbuilding. It may be cheaper to buy the hulls in Korea, but we believe we should have a shipbuilding industry in Canada. We invest in as much defence procurement in Canada as possible, whether or not it is cheaper to buy it abroad. When our auto workers are unemployed, we have a special employment program that the government and the auto companies contribute to so we keep our workers in place for when the downturn is over. We make a series of those strategic investments in aerospace. The core questions underlying the work of this committee as we gather the data and personal testimony are as follows: Are we prepared as a society to make the strategic investment in the importance of our rural communities? If we are prepared, then how do we do it best and most effectively using the strength of both the private and the public sectors, which is

the Canadian tradition? If we are not prepared, then will we have the courage to tell rural Canadians that we are not on their side and that they cannot count on us? Those are the core questions that the committee is endeavouring to ask. I want to associate myself with the motion to adopt this report now before the house.

On motion of Senator Cowan, for Senator Callbeck, debate adjourned.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO STUDY EFFECTIVENESS OF CANADA'S PROMOTION OF DEMOCRATIC DEVELOPMENT ABROAD

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, for the Honourable Senator Segal, seconded by the Honourable Senator Stratton:

That the Standing Senate Committee on Foreign Affairs and International Trade be authorized to examine and report on the effectiveness of Canada's promotion of democratic development abroad; the role of the Parliament of Canada in this context; and

That the Committee shall present its final report no later than December 31, 2007, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until March 31, 2008;

And on the motion in amendment of the Honourable Senator Corbin, seconded by the Honourable Senator Day, that the motion be amended by deleting at the end of the first paragraph the word "and", and by adding after the first paragraph the words "That the Committee be authorized to travel outside Canada for the purpose of its study; and".—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government) moved adoption of the motion.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt Senator Corbin's motion in amendment?

Some Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion as amended?

Some Hon. Senators: Agreed.

Motion as amended agreed to.

[English]

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(Honourable Senator LeBreton, P.C.)

Hon. Francis William Mahovlich: Honourable senators, I rise today to speak to an important and meaningful issue. Despite its significance, though, unfortunately the issue to which I refer is one that is quite often placed on the back burner by our busy society. The issue I am speaking about is literacy in Canada. We have heard many senators speak out on this issue, all of them passionate on the importance of literacy. Literacy affects every citizen of this nation, whether it involves reading to your child, reading and understanding medication directions or finding a job to pay the bills. Literacy is not an issue that we can continue to sweep under the rug.

As all senators know, however, on September 25, 2006, the federal government did just that by cutting funding to literacy organizations by \$17.7 million over the next two years. These cuts have resulted in the closing of many necessary agencies across the country, agencies that help Canadians with literacy. For example, the Saskatchewan Literacy Network, the Yukon Literacy Coalition, the Northwest Territories Family and Community Literacy Development project and the Newfoundland Literacy Coalition and Hotline were all forced to close their doors, making their services no longer available to those who need them most. In addition to the closure of several key literacy agencies, the future viability of many other programs is unclear. This is, of course, very troubling because so many Canadians need the services that these organizations provide.

In fact, 42 per cent of working-age Canadians have literacy skills that are below the international standard for literacy. Honourable senators, in a country as developed and privileged as Canada, this number is unacceptable. What is further unacceptable, honourable senators, is that rather than focusing its efforts on improving literacy levels, the government is instead cutting funding. With so many Canadians struggling with the challenge of literacy, why is the government not doing more?

Honourable senators, what is perhaps equally of concern is that low literacy levels pose harsher challenges to some of Canada's most vulnerable populations. Typically, those who come from poor families or who live in poverty tend to have lower levels of literacy. This poses further barriers to them as they have fewer job choices resulting in lower income employment. On average, people with literacy challenges have only two thirds the income of other adults. This creates a vicious circle that is made even bleaker by these recent cuts to literacy programs.

Despite the negativity of these cuts, however, it is my belief that there is still hope because many people in this great country are working tirelessly on this issue. Of course, we have one of the

biggest champions of the cause in our presence in the Senate — and to that end I say thank you, Senator Fairbairn. In addition, being a senator for the province of Ontario, I could not speak today without recognizing the efforts of our own Lieutenant Governor, the Honourable James K. Bartleman. He has worked very hard to help promote the importance of literacy in Ontario, particularly in Northern Ontario. Lieutenant Governor Bartleman grew up in a poor family and learned to read from comic books that were left at the local dump. From his experiences, he understands that education and literacy are important in breaking the poverty cycle.

• (1710)

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.—(*Honourable Senator Munson*)

Hon. Jim Munson: Honourable senators, I rise briefly today to speak in favour of the motion of the Honourable Senator Di Nino. During my five years as a reporter living in China, I witnessed many violations of human rights, particularly when it came to the question of Tibet. I personally saw on a number of occasions Tibetan monks beaten and heard their stories of repression. I even had the opportunity to spend a bit of time in a Chinese jail — more than one — and was forced on this particular occasion to hand over tapes of what I saw. What the Chinese police got were blank tapes. I was able to smuggle out the real picture of what was happening in Tibet at that time.

That was almost 20 years ago, and there has been some progress, but it has been minimal. Today, the time is long overdue for China to recognize the aspirations of the people of Tibet. A dialogue between the Government of the People's Republic of China and the Dalai Lama is a promising step towards a resolution of this longstanding impasse.

Honourable senators, it is on the international level that pressure must come because within China itself, organizations that work toward strengthening human rights are repressed and suppressed. China does not allow the existence of domestic human rights groups, and the government blocks interventions by international human rights groups.

Canada has a role to play. Canada does have influence, and we can have an impact toward helping China and Tibet reach an agreement regarding Tibet's autonomy.

I am pleased to support the motion of Honourable Senator Di Nino and hope that many of my esteemed colleagues will support it, too.

On motion of Senator Munson, for Senator Jaffer, debate adjourned.

Lieutenant Governor Bartleman has done much, especially in native communities in Northern Ontario, to bring about positive changes to the current situation faced by so many. In 2004, he created the Lieutenant Governor's book drive, in which people from across the province donated books that were then provided to libraries in Northern Ontario's native communities. The program's goal was to collect 60,000 books, but more than 1.2 million books were donated. The program was such a success that there was another book drive in the month of January this year, when another 500,000 books were donated. These books will go a long way to help those in my home area of Northern Ontario. The book drive was only the first of four literacy initiatives started by Lieutenant Governor Bartleman.

In addition to creating these inspiring book drives, the Lieutenant Governor has also created a bridge-building program between Aboriginal and non-Aboriginal schools in Ontario. This program — which has been so successful it has been extended to Nunavut — allows students to participate in pen-pal programs and student exchanges. Two other initiatives include a reading club for young Aboriginal readers and literacy summer camps in northwestern Ontario. These programs are a tremendous way to bring together both native and non-native cultures to learn about and understand each other.

These are all wonderful initiatives and I applaud Lieutenant Governor Bartleman for his work. While the participation of the general public in this program was tremendous, an issue as important as literacy deserves the government's active participation.

When I was growing up in Timmins, Ontario, my parents were offered two options for my future: to play hockey and get an education at St. Michael's College School in Toronto or play for a team in St. Catharines, Ontario, and get a farm. My parents realized that most important thing for me would be to get an education. They knew that education would give me the best and brightest possible future, and I am grateful for their choice.

Literacy programs are important and should not be taken for granted. They are needed by millions of Canadians across this vast country. Therefore, I urge the federal government to restore funding to literacy organizations, to invest in our future and to invest in Canadians. Thank you, honourable senators.

On motion of Senator Comeau, for Senator LeBreton, debate adjourned.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO REFER DOCUMENTS
FROM STUDY ON BILL S-16 DURING
THIRTY-EIGHTH PARLIAMENT
TO CURRENT STUDY OF BILL S-216

Hon. Gerry St. Germain, pursuant to notice of February 6, 2007, moved:

That the papers and evidence received and taken and the work accomplished by the Standing Senate Committee on Aboriginal Peoples during the First session of the Thirty-eighth Parliament during its study of the subject

matter of Bill S-16, An Act providing for the Crown's recognition of self-governing First Nations of Canada, be referred to the said Committee for its study on Bill S-216, An Act providing for the Crown's recognition of self-governing First Nations of Canada.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, February 14, 2007, at 1:30 p.m.

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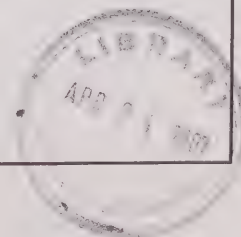
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NUMBER 70

OFFICIAL REPORT
(HANSARD)

Wednesday, February 14, 2007

—
THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*



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THE SENATE

Wednesday, February 14, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

YUKON

WHITEHORSE—CANADA WINTER GAMES

Hon. Nick G. Sibbeston: Honourable senators, on February 23, the 2007 Canada Winter Games will begin in Whitehorse, Yukon. This marks the fortieth anniversary of this important sporting event that runs until March 10. All three northern territories have joined forces in a pan-northern approach to showcase the largest event ever staged north of the sixtieth parallel. More than 3,600 athletes, coaches and managers will gather in Whitehorse to compete for a total of 1,122 medals in 22 sports.

Honourable senators, with the 2007 Winter Games, every province and territory will have played a part in hosting the Canada Games over the years. This is a great accomplishment and one well worth celebrating.

Like all great events in Canada, the Canada Winter Games have always relied on the efforts of countless dedicated volunteers, and this year will be no different. People from across the North will be donating their time and energy to host, promote and support these games.

All Canadians will have a chance to share in the excitement and the great performances by our young athletes, the next generation of champions. More than 150 hours of television coverage will be provided by CBC, TSN, SRC, RDS and APTN.

• (1335)

I urge senators and Canadians from coast to coast to watch these games. The opening ceremonies will be broadcast live on CBC Newsworld on February 23.

I also invite all my colleagues to come north at some point during the games to see the beautiful city of Whitehorse and the northern lands. February 23 to March 10 — mark it on your calendars.

MANITOBA

DEATHS OF FIREFIGHTERS CAPTAIN HAROLD LESSARD AND CAPTAIN THOMAS NICHOLS

Hon. Terry Stratton: I rise today, honourable senators, to honour the lives of two fallen firefighters and their four surviving colleagues.

[Translation]

On Sunday, February 4, the alarm sounded in a Winnipeg firehouse, and 25 firefighters rushed to respond to a major fire that was devouring a home. Even though they had been told there was no one inside, they were required by their protocol to check every room in the house. In carrying out their duty and putting their lives on the line to perhaps save another, Captain Thomas Nichols, age 57, who had been a firefighter for 32 years, and Captain Harold Lessard, age 55, a firefighter with 31 years of service, led their team into that inferno.

[English]

They entered a second-storey room and had only seconds of warning before the room erupted in a ball of fire, melting their fire-retardant jackets, pants and breathing masks. One firefighter, 33-year-old Lionel Crowther, jumped from a second-storey window at the urging of Captain Lessard seconds before the flashover. He is still hospitalized and in stable condition. The two captains and another firefighter, Ed Wiebe, were trapped inside. Ed Wiebe remains in hospital with burns to 70 per cent of his body. Firefighters Darcy Funk and Scott Atchison were treated and released from hospital.

In the days following the announcement of the deaths of these two heroes and of the injuries sustained by the other firefighters who responded, the Winnipeg Fire Department received word from all over North America of firefighters and other peace officers who would attend the public memorial service held in Winnipeg's MTS Centre this morning. Over 2,000 firefighters from Canada and the United States marched through downtown Winnipeg to salute the memory of their fallen colleagues, and thousands of other peace officers, paramedics and ordinary people filled Winnipeg's 15,000-seat MTS Centre.

This morning, in tribute, the Canadian Forces Snowbirds flew over downtown Winnipeg in "missing man formation".

Captain Thomas Nichols was a 32-year veteran of the Winnipeg Fire Department and a carpenter. He leaves behind his wife of 34 years, Linda, two children and three siblings. He had the fortune of seeing both his children married in 2006.

Captain Harold Lessard was a 31-year veteran of the Winnipeg Fire Department who loved gardening and spending time with friends and family. He leaves behind his wife, Lynn, two children and three siblings.

Honourable senators, I would like us, as the Canadian Senate, to join with Winnipeg to mourn the loss of these two heroes and pray for comfort for the families and for the recovery of the remaining two hospitalized firefighters.

In the words of Pastor Young at Captain Lessard's private funeral on February 8, "In the days and months and years to come, each act of kindness, each act of bravery, performed by a city firefighter will carry with it a little bit of Lessard and Nichols."

[Translation]

INTERNATIONAL CHILD SOLDIERS DAY

Hon. Roméo Antonius Dallaire: Honourable senators, since February 12 is International Child Soldiers Day, or Red Hand Day, I would like to draw to your attention the scourge affecting more than 300,000 children under the age of 18 around the world.

Three hundred thousand boys and girls are being forced to serve in deadly conflicts and used as combatants on the fighting lines, and as cooks or sexual objects, in the Sudan, Sri Lanka, Congo, and so on.

• (1340)

Over the past decade, due to armed conflicts, more than 2 million children have been killed and 6 million injured or mutilated by landmines.

[English]

Red Hand Day, or International Child Soldiers Day, was initiated on February 2, 2002, when the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict entered into force, and at that time 144 countries signed onto it, including Canada. The protocol states that no youth below the age of 18 should be recruited, trained or utilized in military operations or carry weapons in any conflict around the world.

[Translation]

Along the same line, I would like to acknowledge and commend the efforts of the French Minister of Foreign Affairs, Philippe Douste-Blazy, who hosted an international conference on child soldiers in Paris, on February 5 and 6.

[English]

Following the French foreign minister's trip to Uganda and Burundi in February 2006, he has been personally engaged by the issue of child soldiers. France has also chaired the Security Council working group on children involved in armed conflict since November 2005.

This conference, entitled "Let Us Free Children of War," brought together representatives from 58 countries, NGOs, civil society — including child soldiers — the European Union, the UN and Canada. UNICEF co-chaired the conference. Canada was one of the countries present at the conference; a delegation of two CIDA bureaucrats and one DFAIT official attended the event. However, the absence of both the Minister of Foreign Affairs and the Minister of International Cooperation was noticed.

These are the following major points agreed to in the Paris Principles with respect to child soldiers: the unconditional release of children involved in armed forces and armed groups; their permanent reintegration into society, where a place must be made for them; and strategies to prevent the recruitment or use of children by armed forces and armed groups.

We are now in an era where the bulk of conflicts around the world — Sudan, Congo, Sri Lanka — are being conducted not by soldiers but by children. Children have become the new most-sophisticated, low-technology weapons system in the world, yet the issue has not attracted enough attention that we intervene to stop such conflicts or such recruitment. We watch and we continue to watch.

Honourable senators, next week I will introduce a motion in which I hope to advance Canada's position in regard to the eradication of the use of child soldiers as weapons of war.

• (1345)

[Translation]

CONCERT IN MEMORY OF CHARLES REINER AND JAN HUGO SIMONS

Hon. Andrée Champagne: Honourable senators, last Thursday evening, I had the privilege of witnessing a memorable moment in the world of Canadian classical music.

At Pollack Hall, the Schulich School of Music of McGill University paid tribute to two of its former professors who passed away in 2006. These two great musicians and pedagogues have left students who today enjoy enviable reputations. Some are performing on the world's great stages, while others have chosen to pass on what they learned from these teachers to the next generation.

Pianist Charles Reiner was born in Budapest, Hungary. He was studying at the Franz Liszt Academy when war ravaged his country. Liberated by the American army from the concentration camp where he had spent several years, he chose to flee the communist regime and go to Switzerland.

After studying with Dinu Lipatti at the Geneva Conservatory, he came to Canada and settled in Montreal, where his talents as a pianist and his sensitive musicality earned him an important place in the city's fertile artistic environment. He enjoyed a distinguished career as a soloist and an accompanist. For decades, he accompanied violinist Henryk Szeryng around the world. Here in Canada, Arthur Leblanc, Maureen Forrester and many others made use of his talents. He was a professor at McGill University for nearly 40 years, and three generations of students reaped the benefits of his knowledge, his generosity and his immense sensitivity.

Baritone Jan Hugo Simons was born in Düsseldorf, Germany, and spent his childhood in The Hague. Concerned about the rise of Nazism in Europe, his family emigrated to Montreal in 1939, a few months before the Second World War began. He studied in Montreal and made his stage debut accompanied by a young Oscar Peterson. No one will forget his elegant interpretations of lieder and oratorios. In 1963 he became a professor at McGill University. He also taught at Marianopolis College and Vanier College. Today, a number of his students are singing on major stages around the world.

Thanks to the dedication of Sandra Wilson, with the assistance of Nadia Turbide, the Thursday evening tribute concert gave us an opportunity to remember these two great musicians and listen to some of their students. The piano soloists and accompanists

paid tribute to Charles Reiner with both their excellence in playing and the way they listened attentively to the soloists, singers and instrumentalists. For their part, the vocal artists called to mind the technique and subtle interpretation taught by Jan Simons.

It was a memorable evening at the Schulich School of Music at McGill University, as memorable as the two teachers we remembered with sadness, of course, but also with admiration and gratitude. Two great artists who chose to make a new life in Canada.

[English]

GORDIE SAMPSON

CONGRATULATIONS ON WINNING GRAMMY AWARD

Hon. Jane Cordy: Honourable senators, I rise today to congratulate Gordie Sampson, who this past Sunday became Cape Breton's first Grammy winner. Gordie won the award for co-writing the song *Jesus, Take the Wheel*, which was recorded and performed by *American Idol* winner Carrie Underwood. The song went on to top the billboard charts of the United States for six weeks last year.

Gordie has been interested in music since the age of six, starting with guitar, learning piano and then drums. He has spent much of his time in Nashville writing songs for other artists, but managed to find the time to record his second solo album and is currently working on his third album. The native of Big Pond has worked with some of the biggest names in music, and now winning the highest honour the music industry has to offer bodes well for a long and successful career.

I wish to send my best wishes and congratulations to Gordie Sampson for receiving such an honour.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw to your attention the presence in the gallery of Sheikh Ali Sbayti, the Imam of Montreal's Muslim community centre and representative of the Ahlul-Bayt centre in Ottawa; Sayed Nabil Abbas, representative of the Islamic Shiite Supreme Council in Canada; Faraj Naklah, president of the Canadian Palestinian Foundation of Québec; Sheikh Said Fawaz, representative of the Muslim World League; and Dr. Bashar El-Solh, president of the Canadian Muslim Forum (Sunni).

They are guests of the honourable Senator Marcel Prud'homme, P.C.

On behalf of all senators, I welcome you to the Senate of Canada.

UNIVERSITY OF OTTAWA

SCHOLARSHIP FOR HUMAN RIGHTS STUDIES

Hon. Marcel Prud'homme: Honourable senators, surely one of the greatest things a senator can try to do is bring Canadian citizens together. As you know, this evening, an important event

will take place, an event to bring closure to the ordeal suffered by Maher Arar and his wife, Monia Mazigh. They will be the guests of honour at a reception in room 200, where all Canadian communities will express their friendship to the couple.

Today, I have tried to show my fellow senators that in Canada, it is possible to unite people of all backgrounds, people from all linguistic and religious groups. I urge you to follow the example you see before you in the gallery today by showing greater openness to these new Canadian citizens.

• (1350)

Gathered here today are Christians, Sunnis and Shiites, most of whom came from a troubled part of the world, either Palestine or Lebanon.

I will be there with Members of Parliament Meili Faille, Omar Alghabra, Bill Casey, Stéphane Dion, Jack Layton and Gilles Duceppe to present them with the Charter of Human Rights to mark the establishment of the Arar-Mazigh Scholarship in Human Rights, a bursary for human rights studies at the University of Ottawa, which is to be inaugurated and announced this evening.

I would like to thank you for being so kind as to welcome these people, who represent their communities at the highest level. I hope they will understand that in Canada, it is possible to work together and that the diaspora has a major role to play in bringing rationality and peace back to that troubled part of the world.

[English]

ROUTINE PROCEEDINGS

FOOD AND DRUGS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Wednesday, February 14, 2007

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-205, An Act to amend the Food and Drugs Act (clean drinking water), has, in obedience to the Order of Reference of Tuesday, October 31, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

TOMMY BANKS
Chair

[Senator Champagne]

He said: Honourable senators, this is Senator Grafstein's water bill, which we have seen before, and I am happy to inform the Senate that this report is presented unanimously.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Banks, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

STUDY ON ASSISTED HUMAN REPRODUCTION ACT

REPORT OF SOCIAL AFFAIRS, SCIENCE
AND TECHNOLOGY COMMITTEE TABLED

Hon. Art Eggleton: Honourable senators, I have the honour to table, in both official languages, the ninth report of the Social Affairs, Science and Technology Committee, which deals with proposed regulations under section 8 of the Assisted Human Reproduction Act.

On motion of Senator Eggleton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1355)

[Translation]

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

BUREAU MEETING, JANUARY 16-19, 2007—
REPORT TABLED

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Section of the Assemblée parlementaire de la Francophonie, which participated in the APF Bureau meeting held in Châlons-en-Champagne, France, from January 16 to 19, 2007.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

ADVERTISING EXPENDITURES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like express my best wishes for a speedy recovery for the Hon. Leader of the Government, who is feeling ill today.

My question is for the Minister of Public Works and Government Services. My honourable colleague opposite and I would probably both agree that Quebecers have been stunned by the Quebec Conservative Party's new advertisements.

What the minister and his party may not realize is that Quebecers should not be surprised by the desperation shown by the Conservatives in resorting to such tactics. I agree with their

strategists in that they have good reason to fear the credibility of the new leader of the Liberal Party.

Can the minister please tell us if the company Republik Publicité + Design, chosen to create the somewhat bizarre advertisements, has obtained contracts from the new Conservative government, which has been in power for nearly a year?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for her question. I can verify whether or not the advertising firm has received contracts from the Conservative government, but I believe the advertising campaign comes from the Conservative Party. Thus, it is the Conservative Party that paid for the advertisements.

I assume that Senator Hervieux-Payette's question pertains to government contracts. I will look into it and report back to her.

Senator Hervieux-Payette: Honourable senators, while carrying out his research, could the Minister tell us how much money his department has spent on public opinion polls in the current fiscal year? Also, how much will this government have spent on advertising for all departments by the end of the current fiscal year, March 31, 2007?

Senator Fortier: I understand that the question pertains to the entire fiscal year. I thought that the Leader of the Opposition wished to obtain information for the year to this point. I can wait until the end of the fiscal year to answer her question, unless she would like me to stop the clock today.

Senator Hervieux-Payette: I think that the answer should cover the period of one year less a month. That would give us an idea of the amounts spent on advertising by the current Conservative government.

Senator Fortier: I would be pleased to report back when I have the information.

SALE OF PUBLIC BUILDINGS

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, the Minister of Public Works and Government Services has confirmed the government's plan to sell public buildings to private interests and then lease them back in order to avoid spending billions of dollars on maintenance of these buildings.

According to the Minister, the goal is to stop the haemorrhaging and to avoid even higher renovation expenses for the buildings in question in the next five, ten or fifteen years. Can the Minister explain how Canadian taxpayers will save money with a fire sale of these public buildings to private interests?

• (1400)

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for her question. No decision has been made on the suggestions from the group of experts I met with in the summer. I think it is important to point that out. Nonetheless, if by chance the sale of these buildings goes through, I would not describe this as a fire sale.

What I have observed in this portfolio is probably not much different than what Mr. Bryson, your colleague, observed less than two years ago. This is a portfolio that, unfortunately, was neglected for a number of decades — I am not blaming any government in particular. When governments are faced with priorities and choices and it comes time to spend taxpayers' money, sometimes the highest priority is not to reinvest in roofs, elevators, windows, floors and walls.

These assets belong to everyone, not just one person. In the past 45 years, we have accumulated a colossal bill in reinvestment. As I said, I noticed that we have behaved like very bad property owners. We accumulated, over those years, one of the largest portfolios in North America, with 375 buildings. Today, if we were to start over, by collectively asking what we need to provide services to Canadians under the Constitution, we could ask whether we truly need a network of 375 buildings. I think the answer is in the question.

Senator Tardif: In light of the rumours going around, can the minister assure us that he intends to exclude the heritage buildings at issue in the Auditor General's report?

Senator Fortier: I can assure you that no decision has been made. We will certainly take into consideration the heritage aspects of the buildings we own, regardless of the solution we come up with.

[English]

VANCOUVER—PROPOSAL TO NAME FEDERAL BUILDING AFTER THE LATE HONOURABLE HOWARD GREEN

Hon. Hugh Segal: Honourable senators, my question is for the Minister of Public Works and Government Services. I note that the minister's department announced the creation of a new advisory group relative to the naming of a federal government building in Vancouver in honour of the Late Honourable Howard Green. While I appreciate the department's and the minister's desire to be respectful of various opinions expressed relative to that possible naming, could he assure this chamber that in the consideration of options for naming that building there will be no *prima facie* rejection of the compelling merits associated with the name of Howard Green?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for his question. I referred the matter back to committee after it was discovered last October that a controversy surrounds the name. I asked the committee to meet again to determine whether it would stand by its recommendation, but the committee could not reach a consensus. I chose to form another committee and when I issued the press release, I said that the matter would be open to any and all suggestions — no exclusions. If individuals wish to put forward the name of Howard Green again, they can do so, and I will put that in the hands of the committee and await its recommendations to me.

AUDITOR GENERAL'S REPORT— CONDITION OF HERITAGE BUILDINGS

Hon. Terry M. Mercer: Honourable senators, my question is for the Minister of Public Works and Government Services. Senator Tardif's question on the sale of government buildings reminds me of an advertisement that aired on television frequently. Perhaps

the minister never saw that ad for oil filters for cars, but the tag line was, "You can pay me now or you can pay me later." The maintenance on buildings must be paid. If we own the buildings, we should do so.

• (1405)

According to a recent report by the Auditor General, federal heritage buildings are at risk of falling down because of the weak conservation policy of Canada's new government. The federal government owns 1,300 federal heritage buildings and some national 206 historic sites, some of them belonging to the Department of Public Works. The Auditor General's report says that there exists only sporadic efforts to conserve these buildings. Will the Minister of Public Works and Government Services provide a list of all the buildings owned by his department and assure us that the needs of these buildings are being addressed to prevent them from falling down?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, we indicated clearly to the Auditor General yesterday that we take these matters seriously. We will be looking at options to ensure that in the future proper care and attention is given to those assets to ensure that they are properly maintained, which is really what we all wish to be done.

Senator Mercer: I thank the minister for his response.

Honourable senators, it seems that all is not well with the relationship between members of Canada's new cabinet. According to the Auditor General, the reason that there exists only sporadic efforts to conserve these buildings is because of a gap in departmental policies and cooperation between — guess who — Public Works and Government Services Canada and Treasury Board.

Will the Minister of Public Works and Government Services assure this chamber that steps are being taken to work with his colleagues at Treasury Board to ensure that their policies relating to heritage buildings are structured to prevent these buildings from falling down? Will the minister ensure that the sites under his department and which are referred to in the Auditor General's report will be there tomorrow?

Senator Fortier: Honourable senators, I can reassure my honourable friend that I personally get along well with my colleagues in cabinet and even my colleagues outside cabinet. The former President of the Treasury Board and the new President of the Treasury Board asked those employees within government to speak to one another. In terms of the folks who are actually on the ground, she is correct: There needs to be better coordination between all the different departments that interact with respect to these types of policies. Treasury Board officials and officials of the Department of Public Works do get involved in the maintenance of these assets and they need to better coordinate their efforts.

GREENHOUSE GAS EMISSIONS—REPLACEMENT OF CABINET FLEET WITH HYBRID VEHICLES

Hon. Robert W. Peterson: Honourable senators, my question is to the Minister of Public Works. Canada's new government will drive into Toronto today to deliver \$36 million to help get more green cars on Canadian roads. Meanwhile, the parliamentary precinct has countless vehicles that could be replaced with hydro technologies as an example of leadership.

[Senator Fortier]

Can the Minister of Public Works and Government Services assure this chamber that a plan is being developed to procure replacements for these gas-guzzling vehicles so that the government will fulfill its commitments to a cleaner, greener Canada?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I think I answered a similar question last spring.

The Department of Public Works and Government Services is responsible for replacing the car fleet that we own. Every single car that we are purchasing is to be a hybrid car. That is the direction from the department. Unless the honourable senator knows something that I do not know, I repeat: Every single car that has been replaced has been replaced by a hybrid vehicle.

ANNOUNCEMENT OF ENVIRONMENTALLY FRIENDLY PROGRAMS

Hon. Robert W. Peterson: Honourable senators, in light of the Prime Minister's new-found pledge to protect the environment, this amount of money for Toronto pales in comparison to the recent announcement of almost \$350 million for Quebec's environmental plans. It appears that Canada's new government has a flare for taking old Liberal funding for the environment and reintroducing it as new money.

• (1410)

Can the minister assure us that there will be new funding coming from his department to help fight pollution — or will there be a recycling of funding promised by the old Liberal government?

Hon. Michael Fortier (Minister of Public Works and Government Services): The honourable senator is asking me whether my department will make announcements with respect to environmentally friendly policies. Within my department, as Senator Peterson well knows, there is the Office of Greening Government Operations, OGGO, which I addressed in the past and which has been in place for a little over a year. Under OGGO's mandate, with respect to the very important and significant supply chain to the government, more and more of our suppliers are conserving energy and recycling, and we are using our purchasing power to instil discipline within the supply chain. Public Works and Government Services Canada is proud of the Office of Greening Government Operations.

GREENHOUSE GAS EMISSIONS—REPLACEMENT OF CABINET FLEET WITH HYBRID VEHICLES

Hon. Joan Fraser: I believe it was a question that I put to the minister last spring to which he referred in responding to Senator Peterson.

Senator Fortier: A different seat.

Senator Fraser: Slightly. At that time, I was asking about the fleet of cars used by ministers. As I recall, the answer was that Canada's new government was stuck with the fleet that had been bought by the, dare I say, wonderful old government.

Canada's government is now the new government, and the answer that was given then and the statistics that were available then were out of date. Hence, I would be grateful if the minister would undertake to provide for us the most recent statistics on the composition of the government's entire fleet, beginning with cars used by ministers. Also, I do not think Minister Fortier needs to take this as notice, although the quest for statistics would be notice: Could he tell us, now that Canada's former and new government has become a green government, whether he is extending to the whole of the government fleet the order that I gather the Prime Minister has given — better late than never — that ministerial cars on Parliament Hill should not sit around idling their engines? We know that is the easy way to cut greenhouse gas emissions. Is there a policy in force for the government's entire fleet?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for the question. With respect to the ministerial car fleet, she is right. We are waiting for these cars to go past their "sell-by" date before we replace them.

With respect to an edict, I certainly read it, although it was meant for the ministerial drivers. I think many people read into it that everyone in government should be aware that idling is damaging to our environment and should use common sense when sitting behind the wheel of a government-owned car.

With respect to a government-wide edict, I am not aware that there is one. I could look into it, however.

Senator Fraser: Would the minister take back to his colleagues in cabinet the concept that common sense on this matter has been around for some time and has not been that effective and that perhaps it is time for the Government of Canada to order the drivers of its vehicles not to idle their engines when stopped, unless there is an overwhelming reason, such as national security, for doing so?

Senator Fortier: Honourable senators, I shall take that under consideration and discuss it with my colleagues.

UNITED STATES—DISCRIMINATORY ASPECTS OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS

Hon. James S. Cowan: My question is for the Minister of Public Works and Government Services.

International Traffic in Arms Regulations of the U. S. State Department require Canadian companies that receive defence contracts from the U.S. government or sub-contracts with American defence companies to comply with U.S. security measures. These measures require the U.S. to deny access to data, products, services and even employment to citizens who hold dual citizenship or who were born in countries deemed to be threats to American national security.

What is this government doing to ensure that these discriminatory rules are not applied to disqualify Canadian suppliers and citizens?

• (1415)

Hon. Michael Fortier (Minister of Public Works and Government Services): As the honourable senator knows, the Prime Minister has raised this issue with the President, the foreign minister has raised it with his counterpart and the defence minister has done the same. The Americans are very much aware that we take exception to the extraterritorial approach in the legislation. We will continue defending Canadian businesses and their right to use Canadian nationals to work on any and all contracts that they get, whether it is from a U.S. company or a non-U.S. company.

Senator Cowan: How long would the government expect to wait before receiving a response from their friends in the White House?

Senator Fortier: I do not like that characterization. In some cases, Canadian companies that have contracts with U.S. companies have had to move employees around. These cases are well known and we have protested, along with these Canadian companies. These companies are trying to get business from U.S. companies that need to comply with ITARs, so we are protesting to the proper authorities in the U.S. the application of this act to Canadian nationals. We have seen some improvement.

On the acquisition of the C-17, the Department of Public Works is responsible for buying those aircraft. We have clauses in the contract ensuring that the purchase of these aircraft from Boeing is executed without the application of ITARs, which is a positive development.

We will continue talking to our friends in the U.S. on behalf of smaller Canadian companies. Since we are the Canadian government, when we buy an asset, it is different from a Canadian company servicing a U.S. company that is stuck having to apply ITARs. However, we will continue to stick up for Canadian companies and ensure they do not have to move employees around because they have dual nationality.

Senator Cowan: With respect to the C-17s, did I understand the minister to say, that the Americans have agreed that ITARS will not apply, so there will be no discrimination or restrictions on access by Canadian subcontractors to data and no restrictions with respect to dual citizenship?

Senator Fortier: We are buying the aircraft from Boeing, so the process of purchasing these aircraft is not subject to that rule. We have a contractual undertaking from Boeing that this purchase is outside of ITARS. We take delivery of the aircraft and no Canadian suppliers are involved.

The aircraft are already built to fly, which is very different, as the honourable senator understands, from a supplier based in Toronto that has a contract with Boeing to build part of an asset that Boeing builds for other countries. We are buying and taking delivery of something that is already built.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, I realize that the Canadian government must pursue its negotiations with the American government to explain Canada's legal and constitutional reality. I also realize that mutual economic and financial interests must be respected.

However, the minister is well aware that in Quebec, for example, a worker of Moroccan origin, an honest citizen of Canada for some 15 years who was working for Bell Helicopter, lost his job, or was transferred to another job that is not related to his abilities and personal expertise because of Bell Helicopter contracts. The Canadian government, regardless of the nature and importance of these negotiations with the American government, will, in this specific instance, get a decision issued by Quebec's rights and freedoms commission, under both the Quebec and the Canadian Charters.

• (1420)

Does the minister realize that the Canadian government has the primary responsibility for ensuring the respect of Canadian constitutional laws on its territory, and that regardless of the outcome of these discussions with the American government, it will, as a government, have to ensure the respect of these laws? And if this Moroccan worker wins his case, then, in all likelihood, the Canadian government will have to give him back his job in order to respect its own laws. Is not the primary responsibility of a government to ensure the respect of its own laws on its territory?

Senator Fortier: I thank the honourable senator for his question. Of course, I fully understand the regulatory framework that applies to this type of situation in Canada.

In the case of a contract between a private company, such as Bell Helicopter, and a client in the United States, the private company may decide to transfer an individual to another position so that it can keep the contract. If a company like Bell Helicopter does not do so, it could lose the contract. We are aware of what happened, and we complained to the American authorities. As I explained, the Prime Minister talked to Mr. Bush about it and Mr. McKay talked to Ms. Rice about it and we will continue to denounce the extraterritorial application of these laws.

American companies that have to deal with these laws find themselves in a difficult position when they give contracts to private companies, just like private companies in Canada risk losing their contracts if they do not comply with their American clients' demands.

This is a bad situation for some Canadian contractors. The good news is that such cases are rare. That is very good news, but the bad news is that it is still happening. We have to protest when such cases arise.

[English]

Hon. Marcel Prud'homme: Honourable senators, let me be very clear: A Canadian is a Canadian is a Canadian. The only way to debate this issue is to have a discussion in which the Prime Minister and Mr. Bush are involved directly. That gives us some consolation, but I should like to help the minister in his reflections.

In 1979, Parliament had before it a bill that was not passed because an election was called on Monday night, March 26, 1979. Under that bill, involvement in primary, secondary or tertiary contracts with Israel would have been allowed and no clause would deprive Canadians of Jewish faith from participating in any of these contracts.

To me, that was disgusting and unacceptable. My position at that time was very clear: It was unacceptable to deprive Canadians of anything because of their religion or for any other reason.

This question is not a personal attack on the minister. His staff is well equipped and I hope they will research what took place in March 1979 when we had a similar situation. Fortunately, an election was called and we never had to decide the matter. The bill was referred to the House Committee on Foreign Affairs and National Defence, which I chaired. We sent it back to the House where it was debated. Unfortunately, a prominent Liberal of the time conveyed to the Conservatives the discussion that took place in our caucus, which was not acceptable to either the Prime Minister or me.

There are precedents for such proposals as this and we should never allow them. I know it is difficult to refuse a big contract, but private industries, like others, should know that a Canadian is a Canadian is a Canadian.

• (1425)

[Translation]

Senator Fortier: Honourable senators, I would like to thank Senator Prud'homme and I agree with what he said. I think that what I have been saying for the past 10 minutes is in sync with what he just said. We will continue to protest the application of these measures in Canada. The good news is that very few cases have arisen, but we still have to look at the situation as a whole because even one case is too many.

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table an answer to the oral question raised by Senator Lorna Milne on February 1, 2007, concerning the Canadian Wheat Board, plebiscite on marketing of barley.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PLEBISCITE ON MARKETING OF BARLEY

(Response to question raised by Hon. Lorna Milne on February 1, 2007)

The question on the ballot in the barley plebiscite as originally announced is very clear and is not being changed. Farmers will be easily able to determine which option on the ballot reflects their preference.

The minister has asked officials to revise and simplify the producer declaration form that will accompany the ballot. This action was taken in order to ensure the widest possible participation in the plebiscite. The producer will sign the producer declaration form in order to declare that he/she is eligible to vote (i.e., has produced grain in 2006 and has produced barley in at least one of the past five years).

The cost of revising the producer declaration has yet to be determined. Once this is done, the cost will be tabled in the Senate as requested.

Voters will have the same amount of time to vote as before although the mail-out was delayed a week. Ballots were mailed out beginning February 7 and the final day for ballots to be postmarked will be March 13.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that, when we proceed to Government Business, the items shall be called in the following sequence: Item No. 1, Item No. 4, Item No. 2, Item No. 5, Item No. 6 and Item No. 3, all under Bills. All remaining items will then be called in the order in which they stand on the Order Paper.

BUDGET IMPLEMENTATION BILL, 2006, NO. 2

THIRD READING

Hon. Consiglio Di Nino moved the third reading of Bill C-28, a second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006.

He said: Honourable senators, I would like to speak today on the occasion of the debate at third reading on Bill C-28. This bill will implement certain tax measures that were not included in the budget implementation bill that was adopted last year and received Royal Assent on June 22, 2006.

Budget 2006 focussed on this government's priorities: delivering results for Canadians on the issues that are most important to them. Our achievements on these issues have already begun benefiting Canadians.

Our first budget laid the groundwork so that we can continue to reach new heights and build an even greater country.

Let us look at the measures that were announced in the 2006 budget to give effect to our overall plan. We gave significant tax breaks to all Canadians. We took steps to make sure taxpayers' money would be spent wisely. We invested in families, education, industry, security and infrastructure, but that is by no means all.

[English]

I think, beginning with last October's introduction of the Tax Fairness Plan for Canadians, that this plan was built on the steps taken in Budget 2006. It reduced the general corporate income tax rate one half percentage point for businesses as of January 1, 2011. The plan will provide tax relief for low- and middle-income seniors. Moreover, for Canadians receiving a pension, in a major policy change, the government will permit income-splitting for pensioners beginning in 2007. This will significantly enhance the incentives to save and invest for family retirement security.

All told, the tax fairness plan provides \$1 billion per year in tax relief for seniors and pensioners.

• (1430)

[Translation]

Then, in November, the government published *Advantage Canada: Building a Strong Economy for Canadians*, a national, long-term economic plan designed to make Canada a true leader in the global economy. The plan, unveiled along with the economic and fiscal update, features a new national objective to eliminate Canada's total government net debt in less than a generation and further reduce taxes for all Canadians.

Ultimately, honourable senators, what the government has done, is create new opportunities for all Canadians.

[English]

It is on those opportunities from Budget 2006 that I would like to focus my remarks today.

Canada's new government believes in creating those new opportunities for Canadians, wherever they live, and that is what Budget 2006 — and, indeed, the measures in this bill — will do.

[Translation]

Bill C-28 incorporates a number of measures that reflect the government's desire to invest in education, training and transition to work opportunities, so that Canadians can achieve their full potential and have the choices they want.

Let us first examine the measures related to education. As we all know, helping our children pursue a college or university education can be very expensive, especially when it comes to purchasing textbooks. In order to help those facing these expenses, Bill C-28 proposes introducing a new, non-refundable tax credit, in recognition of the cost of textbooks. This measure will apply as of the 2006 taxation year.

This new tax credit will benefit nearly two million post-secondary students. Given that many Canadians are pursuing part-time studies, I am pleased to announce that both full-time and part-time students will be eligible for the textbook tax credit.

[English]

That is a good move, is it not? Helping students with the cost of textbooks is just one of the steps that Canada's new government has taken to help post-secondary students with their education-related expenses.

Many students earn scholarships to help them meet their tuition expenses. Under current legislation, only the first \$3,000 in scholarship, fellowship and bursary income received by post-secondary students is not taxed. In other words, any money received in excess of \$3,000 is included as income for tax purposes. This government believes that students should be rewarded, not penalized, for their hard work at school. That is why Bill C-28 contains a proposal to fully exempt scholarship, fellowship and bursary income from tax.

This important measure will provide tax relief to more than 100,000 deserving post-secondary students. These two measures contained in this bill recognize the importance of a more educated

and skilled labour force to improve Canada's competitiveness in today's global economy.

Honourable senators, certainly education is important, but there is also a need to help Canadians find the right job. We often hear of employers who are looking for people to fill the need for skilled workers. This is especially true in the construction industry, although not exclusive to it. Budget 2006 helps by proposing a new apprenticeship job creation tax credit. This credit will encourage employers to hire new apprentices to learn a skilled trade.

Under the measures proposed in Bill C-28, eligible employers will receive a tax credit equal to 10 per cent of the wages paid to qualifying apprentices in the first two years of their contract, to a maximum credit of \$2,000 per apprentice per year.

In the words of the Leah Myers, President of Durham College:

... apprenticeship tax credits and incentives is an important step toward helping Canada develop a better skilled and educated workforce that is able to compete in today's global economy.

That comment was in a Canadian Construction Association news release of May 2, 2006.

[Translation]

The government recognizes that it can also help Canadians once they finish their education and enter the workforce. That is when the new Canada employment credit can be of help. This new tax credit, announced in budget 2006, is complementary to the individual income tax cut and takes into account the additional costs to Canadians entering the labour force. These costs might be related to buying uniforms for work at a store or in a company, or the cost of special safety equipment, which is required for those who work on a construction site.

Sometimes, for low-income workers in particular, these costs can be the determining factor in whether they accept a job or not. The Canada employment credit changes things by covering some of the employment-related costs for Canadians.

Over the course of a year, the credit offers a \$500 tax deduction on employment income in 2006. Since it came into effect in the middle of the year, Canadian workers will be entitled to a \$250 tax deduction in 2006. Effective January 1, 2007, the employment credit will double, rising to \$1,000 a year.

[English]

Complementing the Canada employment credit in providing financial relief for work-related expenses is a new tax deduction for tool expenses for people working in the trades. Many people employed in the trades must own their own tools as a condition of employment. To provide assistance to these workers, Budget 2006 provides a tax deduction of up to \$500 for the cost of tools in excess of \$1,000. The Canada employment credit and tools deduction together will provide tax relief to some 700,000 employed tradespeople.

• (1440)

Earlier in my remarks, honourable senators, I spoke of the benefits this bill provides for people from coast to coast. Speaking of coasts, Bill C-28 provides relief for fishers who sell their interests in fishing licences and other fishing property. Afforded the same treatment as farmers, fishers will benefit from a \$500,000 lifetime capital gains exemption and be able to defer tax when they transfer fishing property to their children or grandchildren.

According to Lawrence MacAulay, the Member for Cardigan, Prince Edward Island, and former minister and Secretary of State, the government's tax relief measures for fishers:

...will be a boost to rural communities and young fishers trying to get into the industry. Without the tax exemption, prices for fishing fleets were reaching exorbitant and prohibitive costs for newcomers to enter the field. When I heard it announced, I stood up and applauded them. . . . I'm tremendously pleased that this has been achieved.

That is a quote from the Charlottetown *Guardian* of May 4, 2006.

Honourable senators, I am sure you will agree with Mahatma Gandhi, who said, "It is health that is real wealth." This government certainly agrees with that sentiment. That is why we introduced the children's fitness tax credit in Budget 2006. This investment in the health of our children will help make it possible for more young Canadians to be involved in sport and physical activity. At the same time, it gives parents a tax break. It is available on up to \$500 of eligible registration fees.

I am pleased that we are delivering on this important commitment to Canadian families. The credit will apply to an ongoing supervised program suitable for children under the age of 16 in which substantially all of the activities undertaken include a significant amount of physical activity that contributes to cardio-respiratory endurance.

It is important to emphasize that substantial additional support will be provided to children eligible for the disability tax credit to recognize the unique barriers they face in becoming more active. It is our hope that this grant will improve children's fitness and eventually the health and well-being of our entire population.

The intent of this measure is to encourage children to get into the habit of regular physical activity, and others agree with us. Chris Rudge, CEO of the Canadian Olympic Committee, said:

We acknowledge the good first step that the government has taken in this new Children's Fitness Tax Credit which will help more children become involved in sports and physical activity.

That quote is contained in the Canadian Olympic Committee Press Release, dated May 2, 2006.

On the issue of public transit, Bill C-28 will authorize a tax credit for annual or monthly passes effective July 1, 2006. This will ease traffic congestion, especially in our busy urban centres,

and increase affordability for the approximately 2 million public transit users in our country. Gloria Kovach of the Federation of Canadian Municipalities said that the "transit tax credit should revitalize public transit and contribute to a healthier environment and cleaner air."

[Translation]

Honourable senators, Canada's new government is working on behalf of Canadian families, students, workers and seniors. Measures proposed in Bill C-28 benefit them and the entire country. This government will continue to do everything in its power to ensure that Canadians benefit from available opportunities. Measures contained in this bill will foster prosperity for today's Canada and for future generations. I trust, honourable senators, that you will give this bill the requisite consideration.

[English]

Hon. Leonard J. Gustafson: With respect to the sharing of pensions in this bill, is there any limit to the amount or any cap?

Senator Di Nino: Yes. I believe the honourable senator is talking about the ability to file one tax return; the ability for pensioners to be able to, in effect, file together, so that they diminish their tax payable. Is that what the honourable senator is talking about?

Senator Gustafson: Yes.

Senator Di Nino: The measures in Budget 2006, including C-28, increase the pension income credit from \$1,000 to \$2,000 and allow pensioners to combine the two pensions, including RRSPs — only if they are over 65 — in order to reduce their payable tax.

I believe there is a maximum, but I cannot tell my honourable friend what that is offhand.

Hon. Percy Downe: The Honourable Senator Di Nino quoted Liberal MP Lawrence MacAulay in some detail in his speech about how pleased Mr. MacAulay was with the initiative on fishers, as he called them — fishermen and women who work in the industry — and how pleased he was that the government adopted the initiative.

Is the senator aware that this initiative was moved by Mr. MacAulay? It was his initiative that the government adopted, not the government's initiative.

Senator Di Nino: I know that there was some initiative in the House of Commons, which I believe included some of our own members, such as Gerald Keddy. That is not the important thing. What is important that this government took action on an issue of great importance to the Atlantic Provinces. Whether it is your idea, our idea or a joint idea, it does not make any difference. The important thing is that the Harper government said, "That is a good idea; let us put it into place." Many people across the country, but particularly in the Atlantic Provinces, will benefit from it.

Senator Downe: I agree fully that it is a good initiative, but I do not think the proper credit was given to Mr. MacAulay, who led this initiative. He led it on behalf of the fishers of Eastern Canada. The government ended up in a bind in the House of Commons. Check the transcript. They were in the position of either voting against the motion or voting for it, and at the last minute the government caved. Had it not been for Mr. MacAulay, this initiative would not be here today.

Hon. Yoine Goldstein: Does the honourable senator have any idea or any statistics about how many Canadian lower-class and middle-class families will be able to take advantage of the \$500 tax credit for youngsters involved in sport and physical activity?

Senator Di Nino: I think my colleague, Senator Mitchell, will answer the question for me.

I do not think that is possible to ascertain without doing great research. I do not have an answer for that question. Having said that, I can tell the honourable senator that we have had tremendous interest, including my office, from people asking for information on how to apply for this credit. I am involved in a number of initiatives in the city of Toronto, many of which relate to children. I have been also helping organizations that provide facilities for physical activity for children. There has been a great deal of interest, but I cannot specifically answer the honourable senator's question.

• (1450)

Hon. John G. Bryden: Will the honourable senator take a question from me?

Senator Di Nino: Absolutely.

Senator Bryden: He is an equal-opportunity senator.

To follow-up on Senator Gustafson's question on the sharing of pension funds so that taxes are paid together, which pensions are those?

Senator Di Nino: To the best of my knowledge, it is any pension that any pensioner receives, including RRSPs; but I believe that RRSPs are only included if the pensioner is 65 years or older. I believe the Canadian Pension Plan, corporate pension plans and the Old Age Security pension are all included.

Senator Bryden: I have a supplementary question. This was done in the 2006 budget — is that what the honourable senator is saying?

I shall give the honourable senator a little more information. It is my understanding — and sorry for the language — that after having broken its word on the income trusts issue, the government decided that one of the ways to soften up senior citizens was to allow senior citizens who lost 20 per cent of their investments as a result of that decision to be able to average their pension income. This would apply to senior citizens over the age of 65 who were husband and wife. For example, I could put my Senate income in with my wife's, as well as any RRSPs, if I were lucky enough to have RRSPs. Then, for tax purposes, the two levels of income would be the same.

That is a good thing, except that it has not happened yet. It will not happen, as I understand it, until the budget bill of 2007. Is that correct?

Senator Di Nino: I believe the measure was contained in the 2006 budget. It is not specifically part of Bill C-28. I am tempted to say that it was included in the first budget implementation bill, but not having the detailed information about that first bill with me, I really cannot say for sure.

What I can tell the honourable senator is that the measure was universally applauded by the seniors across this country. It is probably one of the most positive things to have been done for seniors by a government, particularly in light of the doubling of the pension income credit, from \$1,000 to \$2,000.

The honourable senator may be right on the 2007 bill. I cannot say that, but my recollection is that it was contained in the first part of the budget implementation bill; Bill C-28 is the second.

Senator Bryden: I know we are not in a debate, but I believe the announcement was made that this measure was being contemplated. However, my understanding is that legislation will be required — the budget bill that will come up — to make it apply to what is the largest portion of a senior's pension — that is, the portion received from an employer and RRSPs. For quite a long time, it has been possible to share CPP pensions — in other words, an individual who receives \$10 can combine his or her pension with someone who receives the maximum amount. They can average them out.

I appreciate that there is no reason for the honourable senator to come prepared to answer that question, but he was talking about one other issue, the \$500 tax credit to get young people active. I want to ask the honourable senator two questions.

I believe that it is the case, although not included initially, that dance has now been included as one of the activities that are eligible for the credit. At the same time, it was suggested that music be included as well. Does the honourable senator know whether or not both of those are included?

Senator Di Nino: At second reading, I responded to that; I listed the activities that were included. As I said, at the time, I do not think Revenue Canada has fully completed the list.

An expert panel report was prepared, which talks about any activity that would contain physical activity and have a certain cardiovascular value to it. Again, to the best of my knowledge, I am not sure that all of those specific activities have been defined, other than those that we put on the record the last time.

There was a question of some dancing — I think it was Senator Trenholme Counsell who asked the question. I believe dancing was on the list that I provided, but I think it was more of a specific dance program rather than all dances.

Senator Bryden: There was a controversy, in the sports area, over whether archery would be included. I thought it particularly apropos that we try to trace that down today, it being Valentine's Day and there being many Cupids wandering around. I wonder if the honourable senator could comment.

Senator Di Nino: If the honourable senator is suggesting that it should be, I am suggesting that it should only be if the person one is trying to reach with one's bow and arrow is five or six miles away, where one can hike to visit a sweetheart of either gender.

Senator Milne: Or you are running away from the arrow.

Senator Di Nino: Hiking is included. One would have to hike a long way before shooting the arrow — for hiking to be included.

Hon. Grant Mitchell: Back to the question of pensioners' income splitting. Am I to understand that if a person has a defined benefit pension, which generally comes with relatively low risk, that individual could be entitled to split his or her pension income with a partner or spouse whenever the individual is entitled to collect a pension? Let us take the example of a teacher who could collect a pension at age 55 versus an individual who will be exclusively dependent on savings, whether RRSP, RIF or non-registered savings, who will not be able to split that income until age 65? You were at the meeting with the minister yesterday and I think that is exactly what he said.

Senator Di Nino: Because that matter is not part of Bill C-28, I am not sure I am competent to answer the question. It is complex. The honourable senator was there, as I was, and when the question was asked of the minister he said quite clearly that, for RRSPs, it would have to be after one reaches the age of 65.

Senator Mitchell: The honourable senator would agree, I would imagine, that it would not seem fair that someone who has a pension could start to split as early as age 55 — or as early as they could begin their pension — but that an individual who does not have a pension could not benefit from splitting until age 65, if the person has to depend on RRSPs.

Senator Di Nino: Honourable senators, I am not sure fairness is based on age; it is based on an ability to look after oneself. For all I know, not only does one have an RRSP, the individual may also have a pension plan and other income. Certainly, the fact remains that there is a different treatment for the two different pensions.

• (1500)

Hon. Jeremiah S. Grafstein: I have a curious question on income splitting as it relates to family law. Two pensioners might decide, perhaps just at tax time, to file their returns indicating that they have split their income for tax purposes. If that decision were made by one partner, would it require the partner in receipt of the benefit of income splitting to share that income stream with the contributing partner for that year?

Senator Di Nino: That question could better be answered by most of my colleagues in this chamber who are lawyers. If the honourable senator wishes, I would be pleased to obtain a proper answer to his question because I am not competent to respond to it.

Senator Grafstein: When the government provides an apparent benefit, it is important that there be a concomitant responsibility to share, in real terms, that revenue stream for that current year. That is my understanding of the proposal. It is important that the public understands that the taxpayer is not only entitled to the tax benefit but also to the income consequences such that the partner is responsible for sharing the revenue stream when income splitting is considered. The public must understand the responsibilities as well as the benefits.

Senator Di Nino: As we have seen in the past, the details of these measures will be contained in the interpretation bulletins and exploratory notes that will accompany the passage of the bill. I am quite confident that those charged with the responsibility of ensuring that the public has full understanding of the new measure will deal with those issues. If the honourable senator is specifically asking me to inquire and obtain a response, I will do so. Otherwise, the information will be contained in the accompanying interpretation bulletins and explanatory notes.

Senator Mitchell: Honourable senators, I would like to contribute to the third reading debate of Bill C-28 with a few summary comments. I will put them in the context of what our party leader, Stéphane Dion, believes should be the three elements of a modern 21st century Canadian government: a sustainable environment, social justice, and a strong, wealth-developing economy.

When taken in this context, the debate of this bill and what it reflects in the sense of this government's economic and social policies does not measure up particularly well to those three parameters. Nothing in this document deals with the environment; it does not deal with productivity in the economy, which is essential for a strong, sustainable economy; and it reverses advancement and progress on social justice because it literally punishes the vulnerable.

I was struck by a comment made last week by the Minister of the Environment, John Baird, when he raised his side of the argument to what can only be described as a new level of hysteria. He said that if Canada were to pursue the Kyoto Protocol in a reasonable way and measure up to its international obligations, the Canadian economy would collapse like the Russian economy collapsed.

Honourable senators, I feel the frustration that I am sure many Canadians feel because Bill C-28 so clearly underlines the government's failure to recognize the strong opportunity, potential and link between strong environmental policy and strong economic policy for the future.

The following analogy is emerging more and more in people's thinking, and I have heard it mentioned in a number of places. In 1939, we could not have imagined what it would take to participate as Canadians and win that war. Could we have imagined it, I bet that we never would have believed it possible. However, Canadians rose to the challenge and did it, and in doing so, fundamentally restructured our economy. For perhaps the wrong reasons, the Canadian economy became very strong as a result of that remarkable enterprise between 1939 and 1945. However, this government categorically denies that in some senses we are in much the same position today as we face the new challenge of the environment with climate change and the Kyoto Protocol. Perhaps the government cannot imagine that it is possible to meet this new challenge and that it can be done by Canadians. That causes tremendous frustration for me because I have a great sense of the energy and capability of Canadians to rise to any challenge, domestically or internationally, historic or otherwise; and this is domestic, international and historic. Why would this government diminish its appreciation that Canadians would be up to that challenge?

The government is hiding behind its lack of imagination and claims that living up to the Kyoto Protocol will destroy the Canadian economy. Why can the government not capture the idea that, quite to the contrary, this challenge is an historic opportunity that will stimulate our economy over the long term? At some time, the current nature of our economy will become exhausted and will not be sustainable, possibly because the world will no longer put up with pollution, as it has in the past, or because our resources will be less utilized or completely exhausted.

If we want a sustainable environment and a sustainable economy, we need to understand that the two converge. A 21st century government requires the imagination to capture that concept. It must understand that a sustainable economy and a sustainable environment are intertwined, but that understanding is not reflected in this document. This government is failing miserably by virtue of the fact that it has not captured the important element of what is possible for Canadians in this economy and in this environment.

To add insult to injury, what do we get? We get a tax credit for bus passes that, I believe, amounts to \$3 per week per pass. The former Minister of the Environment had the audacity to suggest that this policy is already responsible for getting the equivalent of 56,000 cars off the road. How many people are driving their cars today because the cost of taking a bus is too expensive by \$3 per week? No one. If you can afford to drive a car, you do not need to save \$3 on the bus. The reason people are not taking the bus or rapid transit is because it is not convenient or not available. You do not make it available at \$3 per week; you buy votes.

Senator Mercer: Mr. Baird can shut the thing down.

Senator Mitchell: He can shut the whole thing down in his home town. Perhaps the government thinks they can buy votes for \$3 per week. We cannot buy an environmentally sustainable future or strong national transportation policy or accessibility to the kind of rapid and public transit systems that we need if we are to have an effective economy and get people to where they need to go while paying respect to the environment in the way that we should. The savings of \$3 per week, I would argue, is nothing more than pure political spin. If the government were serious about a transportation policy and about the environment, they would do something about building public transit infrastructure; and they are not doing that.

• (1510)

There is a tremendous opportunity in Canada today, because I know that Canadians have grasped the importance of environmental policy. Sometimes to do the right thing in politics takes a great deal of political credit, and often great governments — I do not see one right now — have expended that credit to do difficult things.

This circumstance now is very different. The Canadian people understand the importance of this issue, and they are probably looking for, as we are over on this side, some support incentive for CO₂ capture and storage, which would be a breakthrough in allowing the oil sands in Alberta to develop in an environmentally sound way, reduce greenhouse gases, carbon dioxide, and in fact

begin to develop a new industry for the future. One day, mark my words, CO₂ will have great market value. I hope we will not see it evaporate into the air because this government did not have the predisposition to capture the opportunity by helping the industry capture carbon dioxide.

We have seen cuts to research and development, when in fact research and development is exactly what modern economies, modern governments are pursuing, because they see the new industry and economies of the future as being knowledge-based, science-based and research-based. This government has retreated to the 20th century, maybe to the 19th century, and cut research and development. Imagine if we were promoting research and development into environmentally sustainable technologies that would not only help us reach our Kyoto accord obligations, but would begin to form the basis of a new knowledge-based economy with new technologies and new industrial initiatives that we could export around the world. Canada could be once again a leader in an important international challenge.

We could develop conservation initiatives. One of the concerns in Nova Scotia would be trying to meet the Kyoto accord through cutting carbon dioxide and electrical generation which they believe would put a tremendous burden on their economy. It would increase costs. There are ways to minimize and mitigate that possibility. Imagine a government considering that possibility and anticipating that perhaps they could assist business and individuals in the Maritimes and elsewhere in this country to find ways to conserve energy so that as the cost per unit went up, the volume required would go down. In fact, honourable senators, the exact opposite happened. Immediately after they entered into government, they cancelled the very programs that would facilitate that approach. Now, although they are arguing that they are somehow resurrecting them, it is clear that they will not fund them the way they had been funded. It is a poor second effort of "re-gifting" because it has not been funded properly.

I know that people on both coasts are concerned about the state of the oceans, and there are creative environmental initiatives which this government has not embraced to create ocean reserves which would be study centres, and in a sense national parks of the oceans. That is a new and modern initiative that other countries are embracing. I am from Alberta, and I am thinking Drayton Valley, this government of dinosaurs cannot see the tremendous potential and the tremendous contribution that this could make. They would be at home in Drumheller.

An Hon. Senator: Fossils and dinosaurs.

Senator Mitchell: I think half of the carbon dioxide that has been emitted into the air is as a result of transportation. Again, we see no initiative, no effort, no imagination here to begin to address the issue of transportation standards.

On the first element of a modern 21st century Canadian government, a sustainable environment, this government simply misses the bill. In fact, by missing the environmental bill, as it were, they miss the tremendous economic opportunity that would come with development in that area, and other countries are already leaping ahead of us. If we want to be an economy of the future and be competitive, to use a Conservative word, we better get on top of things. It is not in this budget.

Honourable senators might expect a Conservative government of the mind or the spin that somehow they are exquisitely good for economies and economic development would have confronted in this economic document the issue of productivity, but no. In fact, the foundation of their taxation policy is a cut to the GST by one percentage point, which will put \$5 billion back into the economy annually. The GST, as every waking, living, breathing economist knows, except the one who leads the government in the other House, is not an initiative that promotes productivity. It reduces productivity. They take one of the most significant issues facing our economy today as we fall behind our competitors in competitiveness, the U.S. for example, and they throw \$5 billion at making it worse. Instead, they should be looking at a much more aggressive taxation policy, among other things, that could enhance productivity.

That brings me to another point. During the election they made many promises, and we are beginning to see many of those promises broken.

An Hon. Senator: Like Sheila Copps.

Senator Mitchell: We will see many more of them broken, but one of them was —

An Hon. Senator: Like the GST.

Senator Mitchell: Sheila stood up to it. She stood up and ran. Why do you not call bi-elections in Calgary and run on the income trust issue and see what happens. Sheila Copps did that. She put her money where her mouth was, and she won again.

The government promised they would bring in a capital gains reduction. Now admittedly, it is one of the most complicated taxation initiatives known to the Canadian people, but they promised that if you booked a capital gain on a stock, for example, and reinvested that within six months, you would not have to pay tax on it. Nothing has happened on that promise. All of a sudden they are miserably quiet on that one. Instead they have done GST reductions, which do almost nothing except spin exceptionally well in the middle of an election campaign.

An Hon. Senator: Shame!

Senator Mitchell: I will come back to income splitting under the productivity issue. You could argue that that would be a way of lowering income taxes and stimulating the economy. There is a debate that needs to be addressed in that respect, but of course the one place where they have announced to do it, it is not fair. The minister said yesterday if you have a pension, you will be able to split your pension income at any time, so if you started at 50 or 55 years-old you are able to split right away. However, if the only way you have been able to fund your retirement is by saving, because you do not work for a place that has pensions, and fewer and fewer places do, and you take the additional risk, because pensions tend to be less risky, of investing and building your own RSP or your own non-registered investments to fund your retirement, you will not be able to split your income until you are 65. Is that fair? I can remember Minister Flaherty talking yesterday, if I am not mistaken, about fairness in taxation. Tell me how that is fair in taxation. Tell me how the GST cut is fairness in taxation. The poor do not get the benefit. The rich do.

That brings me to my third point about not living up to social justice, and in fact retreating from social justice. I recommend a book called *Whose Freedom?* by George Lakoff, in which he makes it clear what motivates the right wing versus the progressives. One of the many points he makes is that the right wing is inclined to reward the rich and punish the poor, punish the vulnerable. We see punishing the vulnerable in many measures in this budget. They have cut literacy funding, programs to women, early childhood education, which is of particular advantage to women who often are trapped in the home because they do not have adequate child care programs.

They have cut the Law Reform Commission which has been essential to establishing fairness for those who are more vulnerable in our society. They have done all of those things to punish the poor, to set back social justice while rewarding people who have money. If you have money, you can put your children into hockey and you have an income which is taxable so you can write off \$500 and make your \$77. If you have money, you can go to university and now you get to save \$77, I think it is, on books.

• (1520)

If you have money, you can go to university with a taxable income, and now you get to write off your scholarship and bursaries, which probably most students never had to pay tax on because they were not taxable.

My point is that there are three fundamentally important elements of modern, progressive, forward-thinking government for the 21st century. One of them is social justice. This document fails miserably on social justice. In fact, it sets us back to maybe the 19th century in some regards. Another element is a strong economy. This document does not address for a moment the issue of productivity, which is essential to our economic well-being and future. It denies and diminishes any focus on the environment. The third element, and perhaps the most important element of any modern, futuristic, 21st century government, is a sustainable environment.

This budget will unfortunately pass, but it will pass on division.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Di Nino, seconded by the Honourable Senator Stratton, that Bill C-28 be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed, on division.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eyton, seconded by the Honourable Senator Meighen, for the second reading of Bill C-26, to amend the Criminal Code (criminal interest rate).

Hon. Catherine S. Callbeck: Honourable senators, I rise today in support of Bill C-26, which will amend section 347 of the Criminal Code, which deals with criminal interest rates.

Section 347 of the Criminal Code currently states that it is an offence to enter into an agreement or arrangement to receive interest at a criminal rate, which is defined as more than 60 per cent per year. This amendment was added in 1980. Its initial purpose was to help fight loansharking and its role in organized crime. Bill C-26 will essentially exempt payday lenders from this section of the legislation if provinces and territories bring forth legislation to regulate the industry in their particular province.

As we have heard in this chamber in the past, payday loans are short-term loans for a small amount, generally repaid at the borrower's next payday. The average loan is approximately \$280 for 10 days and is usually repaid with a post-dated cheque.

The payday lending industry has been growing substantially since 1994. More than 1 million Canadians use its services, with a turnover of about \$2 billion annually. There are currently more than 1,350 lenders across the country. A quick glance shows six listings in the phone book in my home province of Prince Edward Island. However, despite its prominence across Canada, the payday lending industry is virtually unregulated. There have been no reported convictions of payday lenders under section 347 of the Criminal Code.

Many concerns have been raised over the years about the practices in the payday loan industry. Certainly, our former colleague, Senator Plamondon, made us all aware of these issues during her debate on her private bill to amend the Criminal Code (criminal interest rate). These concerns have also come from the provinces and territories, as well as consumer advocacy groups. There is, for example, the high cost of borrowing. When all borrowing costs associated with a payday loan are taken into account, the effective interest rates are well above 60 per cent on a per annum basis. For all intents and purposes, they are already charging above the criminal interest rate. Section 347 defines interest as the "aggregate of all charges and expenses, whether in the form of a fee, fine, penalty, commission or other similar charge or expense or in any form"

There have been other concerns, such as inadequate disclosure of all terms in a contract, unfair collection methods — which include harassing phone calls and inappropriate calls to a place of employment — and the practice of rolling over loans, essentially allowing borrowers to extend or renew their loans, all the while charging more costs, fees and interest.

In fact, applications for certification of class action suits have already been successful in B.C., Ontario and Alberta. These class actions generally argue that the defendants have been unjustly enriched by charging interest and fees in violation of section 347. One decision, *Kilroy v. A OK Payday Loans Inc.* (2006) has found in favour of the plaintiff, concluding that the lender had charged interest in excess of the criminal rate and had been unjustly enriched.

I wish to point out that the majority of payday lenders in this country, about 850 of them, are members of the Canadian Payday Loan Association, which has a Code of Best Business Practices. Nevertheless, this code is voluntary and, of course, does not have any effect on approximately the 500 payday lenders who are not members of the CPLA.

Given these issues with payday lenders, I am extremely pleased that this federal government is building on the hard work done by the previous Liberal government and has moved forward with this legislation. The federal government, through Industry Canada, has been collaborating with several provincial governments since 2000 as part of the Consumer Measures Committee working group on the alternative consumer credit marketplace. Members have been working towards regulation of the payday lending industry and have consulted with consumer and stakeholder groups on this issue. During these consultations, it was agreed by the federal, provincial and territorial governments that section 347 of the Criminal Code needed to be amended so that provinces and territories could regulate the industry on their own.

In October 2005, the former minister of justice, the Honourable Irwin Cotler, acknowledged that a consensus had been met with regard to section 347. He received cabinet approval to amend this particular section of the Criminal Code. The subsequent federal election ended these initiatives.

This proposed legislation today, Bill C-26, does essentially what the previous government had intended. It exempts payday lenders from the Criminal Code, but only in provinces and territories that have measures in place to protect consumers. Regulating provinces and territories must have limits on the cost to consumers of payday borrowing, a low limit of \$1,500 and a lending period limit of 62 days. I would point out that these limits were developed in consultation with the provinces and territories. In addition, lenders would need to be licensed as such by the province.

Two provinces have already moved forward on this and passed their own legislation. In Manitoba, Bill 25 was passed on November 28, 2005. An amendment to the Consumer Protection Act, the legislation allows the province to fully regulate the payday lending industry. It includes provisions to prevent charging extra fees for rollovers, to allow borrowers 48 hours to reconsider the arrangement and to prevent having consumers sign over future wages. Lenders will need to be licensed and bonded. The Manitoba Consumers' Bureau will have the right to inspect them. The province's Public Utility Board will set the maximum costs of credit for lenders.

• (1530)

The province of Nova Scotia passed Bill 87 in late November 2005. It amended the province's Consumer Protection Act. It includes provisions that allow the Nova Scotia Utility and Review Board to set the maximum amounts

of interest rates and require full disclosure of all fees and costs. The bill also prohibits rollovers, having more than one loan at a time and loans greater than a proportion of the borrower's pay. The legislation also allows borrowers 24 hours to reconsider a loan.

On the whole, I believe that this legislation, Bill C-26, is an important step in protecting Canadian consumers against those payday lenders who may be in a position to take advantage of an unexpected financial crisis. The industry will continue to operate but with controls.

Honourable senators, I encourage you to support Bill C-26 so these reforms can be implemented quickly and further improve consumer protections in the payday lending industry.

Some Hon. Senators: Hear, hear!

On motion of Senator Hervieux-Payette, debate adjourned.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Lorna Milne: Honourable senators, it is my pleasure to speak today on this bill to amend the Constitution Act, 1867 regarding Senate tenure, known as Bill S-4.

This bill represents an idea that has been debated and discussed among many of us for a long time, the notion that honourable senators be appointed for a specific term in office. While I have supported this change in theory for some time — in fact, since I was appointed to this place — I have a number of concerns regarding the proposal put forward in Bill S-4. I want to share them with you.

My main concern with Bill S-4, as written, was touched upon by my honourable colleague, Senator Joyal, when he recently spoke to this bill. Putting aside for a moment the argument that the approach taken by this government may be unconstitutional, the main concern I have is simply the length of term chosen by this government.

A second but no less important concern is that under Bill S-4, a senator's term may be renewable. I was interested in following the proceedings of the Special Senate Committee on Senate Reform when they reviewed this bill, and I want to take this opportunity to thank the members of that committee for their contributions during this study.

Amid that review, I recall a point made during the hearings by Senator Hubley, among others, when she noted that since 1965, the average stay of a senator within the Senate is about nine and a half years. With this mind, it would seem that making a change to

eight years would not be that substantial. However, this change glosses over the fundamental role of the Senate as an independent parliamentary institution, an essential part of our bicameral system of parliamentary government and the importance of the institutional memory of this place.

Simply put, the implementation of an eight-year-term limit followed by a possible renewal would inflict substantial damage on the current system of government. This sentiment is seemingly echoed in a white paper presented to the British Parliament last week about reform to the House of Lords.

The paper states that one of the strengths of the current House of Lords is the continuity of its membership. Members serve for life, and new members make up a small proportion of the House. The white paper explains this practice is valuable because the length of service ensures that members look beyond short-term considerations and political expediency and take a long-range view of the issues before them.

The paper also argues that this continuity ensures that a great deal of experience of both the legislative process and the work of the House of Lords can readily be passed on to new members when they are named to that House.

Honourable senators, long before this act came before us — in fact, since I arrived in this place — I have contemplated the essential question that Bill S-4 poses. After substantial consideration, I came to the conclusion that a 15-year term would be an appropriate length of time for a senator to serve the Parliament of Canada.

Without going into too much detail, I contend that the initial five years in this place are spent learning how this place works. Goodness knows, I am still learning. The next five could be devoted to the hard work and the long hours necessary to perform the tasks we are mandated to do. The final five-year segment could be concentrated on providing the leadership and the institutional memory this chamber absolutely requires for its proper operation.

Honourable senators, it is purely a coincidence that the British government, after issuing 12 separate reports on the same aspect of House of Lords reform, came to the same conclusion and are recommending 15-year terms for members of that esteemed chamber.

To give honourable senators an idea of what would change if Bill S-4 were in force today in terms of the continuity of its membership, if we were to go to an eight-year term, 54 present senators would no longer be here, including the entire government leadership and indeed, the entire caucus of the Conservative Party except two. None of our honourable Progressive Conservative colleagues would be with us either, except Senator McCoy. In addition, only two of the other five independent senators would be here.

If the entire collective memory of this place vanishes after eight years and all senators that have been appointed by one Prime Minister, what would happen to the essential nature of this place? I will tell you.

The very argument that some critics have used to heap scorn upon this chamber will come true. This chamber will simply become a rubber stamp for the other place and the reigning Prime Minister. If appointed to an eight-year renewable term, this government will be successful in ripping away the independence of senators that the builders of this country debated for so long to ensure, as Senator Furey pointed out yesterday.

Moreover, Bill S-4, if passed as written, would make each of our successors beholden to the sitting Prime Minister that appointed them. To be blunt, the first four years of their term will be spent saying "thank you" while the last four years will be spent asking "please, sir, can I have another term?"

It is my view that if the bill before honourable senators becomes law of the land, apathy and contempt for this chamber will only grow. It will result in the ever-louder chorus of critics singing, why bother with the Senate at all.

Given the views of the current Prime Minister regarding this place, I am not surprised. It appears he will try anything to rid himself of anyone who could criticize his actions based on either history or, heaven forbid, on fact.

Forget an elected Senate. I believe that the current Prime Minister's bravado about Senate reform is a thinly veiled attempt simply to eliminate this chamber from our parliamentary system. This kind of short-term consideration and political expediency is precisely what the Fathers of Confederation designed this chamber to withstand.

Honourable senators, on its face, eight years seems like a long time. However, I have found through personal experience that while eight years is a substantial amount of time, it can go by very quickly when one is working toward the betterment of this country.

• (1540)

In short, I do not believe that eight years is a long enough time for the institutional memory of this place to be properly maintained. The further question of allowing eight-year appointments to be renewable makes this proposition akin to the analogy of the trained seal, which has been used so often to describe the activity of members of the other place.

As a result, I fear that not only the effectiveness but even the existence of this chamber will be placed in jeopardy if we are not allowed to take a more serious look at what this government wants to achieve in its Senate reform initiative. This bill must be amended in committee, and that includes, by the way, even the title of the bill, which means something different in French than in English.

I urge the committee to consider all term limits on Senate tenure, including my own recommendation of 15 years, and even term limits from the date of appointment up to age 65 or 70. I believe these are all clearly constitutional changes to Senate tenure, and I am looking forward to studying this bill in committee.

Hon. Marilyn Trenholme Counsell: Honourable senators, I stand here with Bill S-4 in my hand, a tiny document of fewer than 300 words — 276 is my count — which has challenged honourable senators to delve deeply into the history of our beloved country and to delve deeply into their own consciousness, each in his or her own way, to respond to a project of law of extraordinary significance and of profound consequences, an act, no less, to amend the Constitution Act, 1867.

The magnificent speeches in response to Bill S-4 are testimony to the impressive and undeniable experience of the women and men who have been given the privilege, with all its obligations, of sitting in this chamber. Throughout these speeches, I have been reminded of the wisdom and passion of individual senators. Many of you have brought to this debate a lifetime of study in law, history, political science and governmental affairs. You have spoken brilliantly, giving a rare glimpse of what sober second thought is meant to offer our parliamentary system. Yes, your years of experience in the Senate of Canada have added to your individual capacity to approach legislation with caution and with respect.

It has been beautiful to hear Senator Hubley speak about her beloved Prince Edward Island and Senator Dyck speak about minorities. Since Confederation, the Senate has been here for the smallest and the weakest.

Listening to so much thoughtful and inspiring debate made me wish that many more Canadians from coast to coast to coast could have the privilege that is mine, to sit amidst persons of finely honed intellect and of undeniable commitment to our democratic institutions. Sadly, there would seem to be a decline in respect for Canada's Senate, and if this is so, in my opinion, too much of this decline is due to naked politics.

If this is an unfair comment, why then has Canada's Conservative government approached Senate reform in such a glib, superficial manner? Is this a game plan to score political points? Why otherwise would there be one bill in the Senate and another in the House of Commons? Who in their right mind, accepting his or her responsibility to exercise sober second thought, would play this parliamentary game of piecemeal changes to the Senate?

Where is there any consultation that would pay tribute to the Fathers of Confederation who, in their wisdom and after long reflection, gave to Canada an institution of substance based on fairness and on the hope that Canada's parliamentary processes would always embody the principles of wisdom, prudence and, indeed, longevity?

On June 1, 2006, the Leader of the Government in the Senate spoke about building consensus, yet there is no evidence that the government, which the honourable senator represents, is making any effort to build consensus. Where is the consultation with provinces and territories? Where is there any input from scholars? Just how did the number "eight" emerge as the desirable tenure for Canadian senators?

This may seem like levity, but I can imagine the Prime Minister — the magician of political quick fixes — drawing a number from a hat: “Ah, yes, eight years it will be!”

There is nothing “modest” about the intent of Bill S-4, as the Prime Minister and the Leader of the Government in the Senate have declared. It is nothing less than an attempt at bold, brave and, some might add, “brazen” legislation. If you think I am mean-spirited, take a look at the French TV advertisements against Stéphane Dion.

The honourable leader said, “We do not have a gun pointed at anyone’s head,” but I would say this is shotgun legislation — quick, ill-considered and serving merely the exigency of the moment, that are scoring political points.

The leader has said, “We are not acting in haste.” Why then, day after day, do the senators on the government side react so vehemently to ongoing debate on Bill S-4? Surely, the Fathers of Confederation would have expected nothing less.

On a lighter note, I grew up hearing people say that someone would turn over in their grave if something happened. It occurs to me that the Fathers of Confederation might turn over in their graves if they knew the haste and hustle with which this bill is being bulldozed through this historic institution, not truly to serve valid Senate reform but to ensure election readiness by a minority government in dire straits.

Compared to so many of my Senate colleagues, I am a baby, yet I am one of the oldest senators. Honourable Senator Carstairs raised the issue of discrimination vis-à-vis mandatory retirement at 75 years. I wish it were not so. The Honourable Leader of the Government in the Senate seemed to get caught on Senator Carstairs’ question. Her reply:

Obviously the maximum age of 75 is waived, so it will be perhaps an amendment in committee. . . . it would only stand to reason: if we are to remove the requirement at one end, why we would not do so at the other?

Is this, honourable senators, justifiable haste or is it merely “make it up as you go”? Find the answer in the magician’s hat! Piecemeal legislation! Read it from a teleprompter and it will come across so smooth that Canadians might agree.

Yes, Bill S-4 is politics, not sound Senate reform; not constitutionally sound; not acceptable for an institution that has served Canada well for nearly a century and a half. I see nothing in Bill S-4 to convince me that it deserves my support.

Perhaps I might take comfort from the words of Senator Segal:

. . . there will be ample opportunity in committee for members of the house on all sides who have legitimate and specific concerns to address them at that time.

Senator Segal continued:

. . . we would be sending a powerful message . . . to Canadians about our common will not to acquiesce in matters with which we do not agree, but rather to put forward to study in a thoughtful way —

— this legislation.

Yet, there is in this honourable senator’s speech more confusion when he said:

. . . where I stand on the issue of a retroactive amendment so that people now in this institution are not grandfathered. . . . if . . . we are called upon to make various sacrifices . . . we would rise to the occasion.

That is quite confusing.

Is that clear, honourable senators? Whose word do we take? Did the Prime Minister build consensus in his own caucus on Bill S-4, or was it conceived in a sentimental moment with those nearest and dearest to him? Surely, such a question is appropriate on St. Valentine’s Day. I wish the Honourable Leader of the Government in the Senate were here.

Honourable senators, my own position is clear. I am in favour of Senate reform. I believe this Parliament, its leaders, its elected members and its senators should undertake a plan of consultation with the provinces and territories, with scholars and with experts and, of course, with the people of Canada. We should study carefully the example of Westminster, noting especially all that is worthy of emulating from recent reforms in the House of Lords.

I do not believe Bill S-4 is worthy of our support unless it can be improved and strengthened through sustained and dedicated study in committee. If this should happen, I believe Canada’s Senate will have kept faith with the Fathers of Confederation and with the citizens of this proud and democratic country.

Hon. Leonard J. Gustafson: Has the honourable senator thought about the fact that if there is Senate reform the powers of the Senate may increase? I cannot agree with what the honourable senator said about decreasing the powers of the Senate; I think they will increase. Would that not neuter the House of Commons and take away from their power?

• (1550)

Senator Trenholme Counsell: The question the honourable senator is asking is in reference to Bill C-43, which talks about an “election” that would give the Prime Minister of the day some insight into the wishes of the provinces, or however it goes. It is explained in different ways on different days depending on which television station you are watching or which teleprompter is being used.

I do not believe that senators, in their wisdom, would ever want to undermine the role of the House of Commons. We have different but complementary roles. I believe that the wisdom with which this institution and the other institution were founded will survive and we will complement each other.

I do not know exactly why the honourable senator asked me that question because I do not think I implied that we would want to increase the powers of the Senate. I am in favour of Senate reform, based on very extensive and careful consultation, and certainly not this bill, unless it is studied thoroughly by hearing from many witnesses.

I am not in any way implying that our power be increased. I am simply implying that we should continue to embody and to dedicate ourselves to the original purposes as defined by the Fathers of Confederation, namely, sober second thought, protection of regional interests and protection of minorities.

Senator Gustafson: Not to debate, but I think it would be automatic.

Senator Nancy Ruth: Nothing is automatic.

Senator Gustafson: There would be an entirely different group of people in the Senate. Given that they would be elected, they would feel that they would have equal powers, if not even the last word.

Senator Trenholme Counsell: I think we are confusing the bills. This bill has nothing to do with the election of senators. This bill has only to do with the tenure of senators. Perhaps the honourable senator's comments would be more appropriate at another time.

On motion of Senator Tardif, debate adjourned, on division.

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.—(*Honourable Senator Jaffer*)

Hon. Mira Spivak: Honourable senators, I am pleased to lend support to this motion in the hope that an organized effort by parliamentarians worldwide will spur the Government of the People's Republic of China and the Dalai Lama to find a lasting solution to the tragedy of Tibet.

It is something to be hoped for on humanitarian grounds, by all those concerned with social justice, and on grounds that are often overlooked in the mainstream debate — the huge importance of the state of Tibet's environment to much of Asia.

Some have called China's environmental degradation of Tibet in the last 50 years nothing short of "ecocide." As Asia's principal watershed and the source of its major rivers, rivers that provide water for 47 per cent of the world's population, what happens environmentally in Tibet is of great concern to the continent and to the world.

What happened between the 1949 troop invasion and late last decade was massive deforestation. Within 40 years, some 40 per cent of Tibet's forests vanished — forests that grew on steep slopes of river valleys. The result was predictable. The Yellow River, the Yangtze and others that originate in Tibet became among the five most heavily-silted rivers in the world.

Then came the disastrous Yangtze River floods of 1998. China belatedly placed a ban on logging. Since then, there have been eyewitness accounts of illegal logging and video footage of hillsides set on fire so that the blackened tree trunks can be harvested.

Reforestation in Tibet is slow and ineffective. China estimates that it will take 50 years to reforest denuded areas by its preferred method — dropping seeds from aircraft. Meanwhile, erosion of steep slopes grows worse.

The second half of the last century also saw widespread degradation of Tibet's grasslands, conversion of marginal lands to agriculture and extensive desertification. Large-scale hydro developments have displaced Tibetans from their homes and their lands. The rate of mineral extraction from Tibet also is rapidly increasing. Unfortunately, Canadian companies are profiting from some of these ventures.

As an environmental watch group concluded, reversing the environmental degradation that has occurred in Tibet:

... is in the long-term interest of all the neighbouring countries as environmental conditions in Tibet have major transboundary effects, notably in India, China, Bangladesh and Pakistan. Nearly half of the global population, particularly in these four countries, depends on the rivers of Tibet for their sustenance.

One of the many boons of an agreement between China and the Dalai Lama could be greater respect for the land and the headwaters of rivers that quench Asia. It is an outcome that most people would welcome, I am sure.

I urge parliamentarians everywhere to urge the parties to "press on" with their talks.

On motion of Senator Tardif, for Senator Jaffer, debate adjourned.

The Senate adjourned until Thursday, February 15, 2007, at 1:30 p.m.

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Thursday, February 15, 2007



THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

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THE SENATE

Thursday, February 15, 2007

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

RECOGNITION OF THE ROLE OF WOMEN

Hon. Nancy Ruth: Honourable senators, Valentine's Day on the Hill is unique. While a few are focused on roses and romance, it is on Valentine's Day that in Room 200 West Block, human rights are fought for and remembered. Last night it was Maher Arar and Monia Mazigh who told their story. One year ago, on February 14 and February 15, 300 women remembered their fight for their rights. We mark the twenty-fifth anniversary of the Ad Hoc women's conference that led to changes in Canada's Constitution. Those changes strengthened equality rights for women in section 15 and section 28 of the Charter.

Women in Canada and around the world do not experience life the way men do. Honourable senators, I want you to hear this: Women in Canada and around the world do not experience life the way men do.

Women's experiences are not random events that fall sometimes on women and sometimes on men. Things happen to women precisely, predictably and simply because they are women. These things include the intersection of race, age, disability, sexual orientation and religion; threats to physical security and violence; limits on access to basic public health care, education and justice; poverty, deepened by a lack of reproductive freedom, equal pay and child care; and limited political representation and access. These things happen to us simply because we are women.

• (1335)

This being Flag Day, I want to emphasize that we are all Canadians under one flag, created here. That flag represents what we share, the unique country we have created across a vast landscape and a diverse population.

We are Canadians under one Constitution. That Constitution recognizes our diversity, our differences. It compels us to pay attention to women and women's lives precisely because they and we are women. Doing so does not detract from our Canadian-ness. It is at the heart of what we are building.

Honourable senators, let us not talk about the flag without talking about the situation of all kinds of women in our country. Let us not do any study in this place without looking at that study through the eyes of women.

FLAG DAY

Hon. Joan Cook: Honourable senators, today we celebrate National Flag Day. I recall, on a cold, blustery day 42 years ago, trudging up the hill of the former U.S. military base to

HMCS *Cabot*, with a group of Girl Guides in tow, to watch the unfolding of such a historic moment in our history.

The red maple leaf has long been a symbol of Canada, originating long ago with Canada's Aboriginal peoples gathering maple sap from the trees every spring. Throughout the great world wars the red maple leaf displayed on badges and equipment became the dominant symbol for many of the Canadian regiments and soldiers serving overseas. It was worn in the darkest hours of battle and also in the most celebrated moments of triumph. It continues to be worn by Canadian peacekeepers and troops serving all over the world.

In 1949, with the expectation of a higher standard of living, more public services and a greater economic security in international trade, England's oldest colony, Newfoundland and Labrador, joined this maple leaf nation and became Canada's newest province.

In 1965, the red maple leaf officially adorned the new national flag of Canada. Today, it is a symbol recognized throughout the world as one of peace, diversity, tolerance and respect for human rights. It represents not only our history and the sacrifices we have endured, but also our devotion and commitment to ensure a greater Canada for our children's children.

Honourable senators, today we celebrate that symbol. I believe our rich history has produced a nation of courageous, proud and tolerant people. I am grateful to live in a united nation where we can be who we choose to be, where each person can voice their own opinion without persecution and where we can go about our daily business in relative peace.

May our flag speak to the exciting challenges and opportunities for a future filled with hope and promise.

BLACK HISTORY MONTH

CELEBRATIONS IN NOVA SCOTIA

Hon. Donald H. Oliver: Honourable senators, history was made this week in Nova Scotia. Her Excellency, Michaëlle Jean, the first Black Canadian to hold the position of Governor General, and Mayann E. Francis, Nova Scotia's thirty-first Lieutenant-Governor and the first Black woman to become Lieutenant-Governor, were both at the Black Cultural Centre for Nova Scotia in Halifax Tuesday evening celebrating Black History Month, and what a celebration it was.

Two Black women, head of our country and of our province: The hall was packed to the rafters and native Black Nova Scotians read original poems. Talented artists such as Jeremiah Sparks sang and performed. The Preston Mass Choirs performed, and Her Excellency gave a most powerful address on equality and diversity.

When Their Excellencies, the Right Honourable Michaëlle Jean, the Governor General of Canada, and Jean-Daniel Lafond, decided to make their first official visit to Nova Scotia, it was their intention to focus on activities that empower groups of diverse backgrounds to be heard, including women, immigrants, youth, members of the province's Black community, artists, francophones and volunteers.

In a heavy agenda, Her Excellency participated in a round table discussion with immigrant women. His Excellency met with representatives of the francophone community and later he had a tour and luncheon meeting with representatives of the food and wine industry, as well as with students enrolled in the culinary arts program at Nova Scotia Community College. I was honoured to participate in that event as well.

• (1340)

Premier Rodney MacDonald welcomed them at Province House, where Her Excellency made a landmark address. The event marks the first time that a Governor General has ever addressed the Legislative Assembly of Nova Scotia.

Her Excellency said, among other things:

Province House itself evokes a history rich in lessons about freedom and nation building.

It was here, after all, that Joseph Howe defended himself against a trumped up libel charge after exposing government corruption.

The oratorical marathon that he performed in this building in 1835, arguing for the importance of free speech, remains legendary among journalists across this continent.

She later quoted Martin Luther King, Jr., and said, "Until all of us are free, none of us is free."

Yesterday afternoon, Her Excellency and Jean-Daniel Lafond were at the Art Gallery of Nova Scotia, where I was privileged to show them some of the artwork of famous Nova Scotia black artists.

Honourable senators, I conclude by commenting on how history was made this week in Nova Scotia by quoting from Her Excellency, who said in Halifax:

I strongly believe that it is so much more rewarding when we work together to break down the barriers — of language and race, gender and religion, poverty and disability, geography and age.

All the cultural backgrounds Canadians are a part of have combined to build our collective wealth, history, knowledge, language and culture, making Canada the example for the world, for human rights and the rule of law. This is something all Canadians should be truly proud of.

[Translation]

DÉFI SPORTIF

2007 GAMES

Hon. Lucie Pépin: Honourable senators, the 24th annual Défi Sportif will be held from April 25 to 29 in Montreal. This event is special because it is the world's largest gathering of athletes with disabilities.

Défi Sportif was created by AlterGo, a group of organizations whose purpose is to promote sports and recreation for disabled persons. The initiative grew out of the realization that disabled persons have few opportunities to compete and excel.

Since 1984, this annual event has proven that disabilities do not necessarily get in the way of being active. During the event, athletes with five types of disabilities — hearing, intellectual, physical, mental illness and visual — can participate in their chosen sports and interact with elite athletes. In parallel with the sporting events, other activities are organized to support the social integration of persons with disabilities.

Défi Sportif is about sports, social interaction and people. Its mandate is to encourage the practice of sport and to show a dynamic image of people with a disability.

I had the opportunity to experience this dynamism and to meet a number of participants during a benefit show held in Montreal on February 6. I met a number of ambassador-athletes, also known as Champions: Mario Babin, rugby; Rodrigo Buitron-Lara, volleyball; Stéphane Chaput, cycling; Michael Dauphin, water polo; Sébastien Fortier, cycling; Sydney Fredeling, basketball; Eric Guérard, track and field; Alexandre Levert, soccer; Sarah Mailhot, track and field; Pierre Mainville, fencing; Nancy Morin, goalball; Shauna O'Brien, rhythmic gymnastics; Karine Vermette, basketball; and Simon Vézina, ball hockey.

I also met 17-year-old Mathieu Marcil from Gatineau, who plays boccia, which is a version of lawn bowling for athletes with cerebral palsy. Mathieu has been enthusiastically wheeling his way through boccia games since 2001.

Mélanie Lessard, who is from Saint-Jean-de-Matha, Quebec, is another Défi Sportif Champion. Mélanie has Marfan syndrome and won a silver medal in swimming in 2006, the first year she participated. In 2007, she hopes to achieve a personal best time and win gold. It was both touching and refreshing to hear her talk about her goals for upcoming competitions.

In April, more than 2,900 athletes from approximately 12 countries will compete for top honours in 13 sporting activities. Without a doubt, passion and energy will abound.

I would like to congratulate the organizers for creating and developing this wonderful project. I commend the sponsors and volunteers who have allowed this event to continue to grow over the years.

I invite you, honourable senators, to join me in encouraging these young Canadians, who, despite their disabilities, show exceptional perseverance in living life to the fullest.

• (1345)

[English]

NATIONAL FIREFIGHTERS MEMORIAL

Hon. Mira Spivak: Honourable senators, yesterday, thousands of Manitobans were joined by firefighters throughout North America to pay tribute to two Winnipeg firefighters who lost their lives in a weekend blaze. Sadly, it takes a tragedy like the one that claimed the lives of Captain Tom Nichols and Captain Harold Lessard for many Canadians to reflect on the great service our firefighters provide and the great cost to some of them and their families.

The House of Commons passed a motion in 2005 that could have led to a national memorial to fallen firefighters. A foundation is in place, but there remains no place in Ottawa that prompts Canadians to reflect on their sacrifice.

Honourable senators, my message is very simple: I would urge the government, as well as anyone else who must be involved, to work with the Canadian Fallen Firefighters Foundation towards building an appropriate memorial here in Ottawa in the near future.

SINKING OF OCEAN RANGER OFFSHORE OIL RIG

TWENTY-FIFTH ANNIVERSARY

Hon. Ethel Cochrane: Honourable senators, I rise today to mark the twenty-fifth anniversary of the worst offshore drilling accident in Canadian history.

In the early hours of February 15, 1982, the world's largest and most advanced oil rig, the Ocean Ranger, capsized and sank on the Grand Banks. All 84 crew members, the vast majority of them young men from my province, lost their lives. It is a tragedy that pierced the collective soul of Newfoundland and Labrador and a loss that we continue to remember, and reflect on, all these years later.

The profound sense of loss and grief that followed this horrible event, however, fuelled a determination to bring about positive changes and to put a spotlight on workplace safety. In the intervening years there have been investigations, a royal commission, mechanical and design changes, and tightened government regulations. Indeed, government and industry worked together to improve safety standards and practices, which continue to guide offshore petroleum exploration and development in the province today.

However, perhaps the greatest legacy has been the emphasis on workplace safety and training, especially training. Today, there are greatly enhanced standards for vocational skill and survival training for all those who work in the offshore. In the aftermath of the Ocean Ranger sinking, my province emerged as a world leader in training for disasters at sea.

The province's Minister of Natural Resources, the Honourable Kathy Dunderdale, said recently:

It is essential that we always remember what happened that day and ensure that safety is the number one consideration in the development of our offshore.

She added:

Every decision that we make with respect to the offshore is to the backdrop of the Ocean Ranger to ensure that no tragedy like this ever happens again.

I could not agree more.

To the families and friends of all those who perished that fateful day, I say that your province and country continue to share this loss with you. May there be pride and comfort in the fact that the lessons learned from that great tragedy have surely saved the lives of many others who work in the offshore.

CANADA-UNITED STATES RELATIONS

HEAD HARBOUR PASSAGE, NEW BRUNSWICK— ROUTE OF LIQUEFIED NATURAL GAS TANKERS

Hon. Michael A. Meighen: Honourable senators, over the past few months, many have seen the banner I have affixed to my Senate binder, which reads, "Supertankers in our bay — no way! Respect Canada's waters."

• (1350)

I thought that honourable senators would be as pleased as I am to note that on Wednesday our ambassador in Washington delivered a note to the Chairman of the United States Federal Energy Regulatory Commission, or FERC, as it is known. The essence of this note was to tell the chairman that notwithstanding that the commission is about to hear two and perhaps three applications for the construction of LNG facilities right on the international boundary between New Brunswick in Canada and Maine in the United States, the only access for the tankers is through a narrow, fog-bound passage that at its widest is 1,500 metres, and therefore, as Ambassador Wilson's letter indicated, "Canada will not permit LNG tankers to pass through Head Harbour Passage."

This, honourable senators, is good news for all Canadians. It is good news for New Brunswick. It is good news for the fishermen of New Brunswick, for the ecotourism industry, for the whales of the Bay of Fundy and for energy conservation.

The United States need have no fear as to whether we in Canada will be in a position to supply their market with natural gas and oil. The announcements in Saint John recently of the doubling of the oil refinery there prove ample evidence of that fact. Hopefully, FERC will take note of our formal objections and statement that we consider Head Harbour Passage to be sovereign Canadian waters and will reject these applications. If they do not, then what remains for us is to enact legislation, probably an amendment to the Shipping Act, to formally put in law our objections to this highly dangerous initiative, which the Americans would be wise to consider putting elsewhere down along their eastern coast rather than on an international boundary in very difficult, tricky waters.

Honourable senators will be happy I know to share this news.

ROUTINE PROCEEDINGS

STUDY ON MATTERS RELATING TO AFRICA

REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE TABLED

Hon. Hugh Segal: Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade, which deals with the development and security challenges facing Africa, the response of the international community to enhance that continent's development and political stability, and Canadian foreign policy as it relates to Africa.

On motion of Senator Segal, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO TRAVEL—REPORT OF COMMITTEE ON STUDY OF ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE PRESENTED

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, February 15, 2007

The Standing Senate Committee on Banking Trade and Commerce has the honour to present its

THIRTEENTH REPORT

Your Committee which was authorized by the Senate on Tuesday, May 2, 2006, to examine and report on issues dealing with interprovincial barriers to trade, respectfully requests for the purpose of this study that it be empowered to adjourn from place to place and travel within Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 1083.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

CANADA ELECTIONS ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Donald H. Oliver, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, February 15, 2007

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

TENTH REPORT

Your Committee, to which was referred Bill C-16, An Act to amend the Canada Elections Act, has, in obedience to the Order of Reference of Thursday, November 23, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

DONALD H. OLIVER
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Oliver, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

• (1355)

ACCESS TO INFORMATION ACT

BILL TO AMEND—FIRST READING

Hon. Lorna Milne presented Bill S-223, to amend the Access to Information Act.

Bill read first time.

The Hon. the Speaker pro tempore: When shall this bill be read a second time?

On motion of Senator Milne, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

KYOTO PROTOCOL IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-288, An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol.

Bill read first time.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the second time?

• (1400)

[Translation]

On motion of Senator Mitchell, bill placed on the Orders of the Day for second reading two days hence.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE COURT CHALLENGES PROGRAM

Hon. Donald H. Oliver: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, notwithstanding the Order of the Senate adopted on Thursday, December 7, 2006, the Standing Senate Committee on Legal and Constitutional Affairs, which was authorized to examine and report on the benefits and results that have been achieved through the Court Challenges Program, be empowered to extend the date of presenting its final report from February 28, 2007, to June 30, 2007.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE OF EARLY LEARNING AND CHILD CARE

Hon. Marilyn Trenholme Counsell: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report, "*Starting Strong II*," released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated "... national and provincial policy for the early education and care of young children in Canada is still in its initial stages . . . and coverage is low compared to others OECD countries;" and

That the Committee study and report on the OECD challenge that "... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn."

QUESTION PERIOD

ABSENCE OF MINISTERS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to announce that Senator LeBreton is still ill today and will not be here for question period. Senator Fortier is with Her Excellency the Governor General at present, and I do not anticipate that he will be with us for question period.

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I believe that the honourable senators will understand why the Leader of the Government is absent, but will be slightly less accommodating with regard to the minister for the Montreal area, who acquitted himself very well during question period yesterday and who should give priority to his work as a parliamentarian, because we feel that that role is extremely important.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

STUDY OF KYOTO PROTOCOL IMPLEMENTATION BILL

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the chair of the Standing Senate Committee on Energy, the Environment and Natural Resources.

[English]

Can the honourable senator please tell the chamber whether the committee will address Bill C-288 at its earliest convenience?

Hon. Tommy Banks: It is the practice of our committee, as I am sure it is of others, that legislation takes precedence over other matters, such as the study of CEPA, which is mandated by the legislation.

At present, there are two other bills before our committee, so I will discuss with the committee the priority they would like to use in establishing how soon to deal with which bill and in which order.

Bill C-288 is a bill of considerable import. I suspect members on all sides will want to address their attention to the bill with some alacrity.

I do not know whether this gave rise to the honourable senator's question, but a report in a large newspaper stated as follows with respect to Bill C-288 — and "there" in the upcoming quote refers to the Senate: "There, it is expected to be passed into law after being studied briefly by the environment committee."

I wish to disabuse any members who may be under that impression, or anyone else who is within the sound of my voice who may be under that impression. We will not dispense with or

deal with that bill briefly. By definition, it is an important bill. It contains very important matters that will affect not only our country, but the standing of our country in the world.

• (1405)

Our job, as we are reminded by people who have been here for a long time, is to review legislation. That is the job of this place. When an important bill that has widespread implications comes before us, we will not review it briefly. We will review it in some detail. We will examine its implications. We will examine the legislative effectiveness of the bill. We will find out how effective it is. We will find out what teeth it has. We will find out what the downstream implications are if the bill comes into force and is acted upon. These implications are interesting and considerable. We need to know what they are in the course of our review of that legislation. We need to know the legal and constitutional obligations of the government, if any, should the Senate decide to pass this bill. Therefore, the double answer I will provide to the leader is that I think the members of the committee will agree to address that bill in short order and to address it thoroughly and patiently before we report to this house.

Hon. Gerry St. Germain: Honourable senators, I am encouraged by what I have heard from the chairman of this particular committee. I can see that Senator Banks, in everything he does in this place, takes his job seriously. I happen to be privileged to work with him on other committees, and I know how thorough he is.

I am not sure whether it is proper to ask him this question at this time but, as a committee, can he visualize studying the global aspect of this bill as opposed to zeroing in on the legislation itself? Does he see the purview of the committee extending to the various other contributors to the problem on a global scale?

Honourable senators, this issue is such an important one. As humans on this earth, we play an important role, but I do not think we are the be-all and end-all. There are many other players in this program, and I wonder whether they will come into the study of this particular legislation.

Senator Banks: I have the honour to chair a committee comprised of people who already happen to have considerable knowledge of this subject, that is to say, the global implications of the questions addressed in this bill. We have been studying those implications avidly for six years and probably for a long time before that. In the present context, we have studied this subject for a long time. The members on all sides are knowledgeable in that respect and are committed to doing the right thing. However, we will look at this legislation, what it means and what it will do.

Hon. Hugh Segal: Can I also ask Senator Banks, in whose distinguished leadership in the committee we all trust, whether he is aware of any predisposition that might exist on the part of the majority to stand in the way of substantive and thoughtful amendments that might normally be brought forward for discussion and consideration at the committee stage? Alternatively, is he of the view that the committee would be open to, and, as chairman, he would have no predisposition against, the discussion of any appropriate amendments in the clause-by-clause review that may ensue after inquiry into the other areas of examination he so thoughtfully laid out in response to his leader's question?

Senator Banks: I have been a member of this committee since long before I had the honour of becoming its chair. It has never, to my knowledge or recollection, and certainly never under my chairmanship, made a report to this place that was not unanimous.

Hon. Grant Mitchell: Can the chair of the committee clarify that part of the purview of his committee's investigation or review of this bill would be to ascertain, perhaps by calling the Minister of the Environment or even the Prime Minister, whether that government is prepared to fulfill the law of Parliament as embodied in Bill C-288 passed by the House of Commons and presumably could be passed by this Senate, or whether they are prepared to break that law?

Senator Banks: I have to assume that no government of Canada would ever break the law.

• (1410)

Senator Mercer: Stay tuned.

Senator Banks: I assume as well that no government of Canada would ever flout the will of Parliament. I cannot answer the honourable senator's question because, as he knows well, being a member of the committee, the committee will identify the witnesses to appear before it.

LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

STATUS OF BILL C-9 ON CONDITIONAL SENTENCING

Hon. Terry M. Mercer: Honourable senators, my question is to the Chair of the Standing Senate Committee on Legal and Constitutional Affairs. I am disappointed that Senator Fortier is not present in the chamber today because I thought that he did quite well yesterday during Question Period. One day of hard questioning has driven the honourable senator out. That was pretty tough.

We have witnessed the apparent stalling of bills during Senate proceedings. The Conservatives are accusing this side of the chamber of stalling Bill S-4, at least that is what I read in the media. Bill C-9, in respect of conditional sentencing, came to this place in November 2006. That seems quite a long time for such a major bill to remain with little or no debate. The definition of that in my dictionary is "stalling."

Can the Chair of the Legal Committee, to which this bill will be referred, tell the house of the progress, if any, of the negotiations with his leadership to begin the debate on Bill C-9 so that his committee can examine it to the extent that it deserves?

Hon. Donald H. Oliver: I thank the honourable senator for the question, but neither of the bills to which he refers is before the Legal Committee and might not come before the committee. Therefore, I am unable to respond.

Senator Mercer: It is highly unlikely that a bill dealing with conditional sentencing would not go before the Standing Senate Committee on Legal and Constitutional Affairs. Even a person like me who is not a lawyer can figure that out. I rather anticipated that answer.

The policies on conditional sentencing contained in Bill C-9 seem to be similar to the policies of our American cousins, who have mandatory minimums. While this place can debate all day on the effectiveness of those policies or on the virtues of conditional sentencing, honourable senators cannot deny the inherent problems with both. Yes, conditional sentencing has flaws, but the good things that it accomplishes cannot be ignored. Certain crimes are committed by groups defined by socio-economic status, and that cannot be ignored. Conditional sentencing has been shown to prevent many of these people from facing jail time.

Bill C-9 has not come up for debate in this chamber and, therefore, has not been referred to the Legal Committee. Could the reason be that the Conservative caucus is in disagreement over the merits of the bill? Is all not well with Canada's "growing-old" government?

Senator Oliver: I thank the honourable senator for the question, but it is not my practice to talk about what goes on in caucus.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

KYOTO PROTOCOL—EFFECT ON ECONOMY

Hon. Grant Mitchell: Honourable senators, my question is for the Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, and I apologize in advance if it puts him on the spot.

Last week, Environment Minister John Baird raised the hysteria of his anti-Kyoto bias by saying that Canada's economy would collapse like Russia's economy if the government were to fulfill its international Kyoto obligations. He simply cannot connect the dots between the environment as an opportunity and the economy.

Is the Chair of the Energy Committee aware of any evidence, analysis or reports that might back up the contention that should Canada pursue its Kyoto obligations in an appropriate manner, the Canadian economy would collapse like that of Russia's?

• (1415)

Hon. Tommy Banks: Honourable senators, I point out that Senator Fortier has joined us.

I was unaware that the economy of Russia had collapsed. I do not think it has. The Soviet economy collapsed, but the Russian economy is quite a different matter and is doing quite well.

It is also my experience, and we have heard evidence for a long time now, that good ecological and environmental practices by individuals, businesses, institutions and government always lead to profits.

Senator Mitchell: It seems to me that the honourable senator is saying he can think of or has come across no examples, no evidence in fact, that enlightened environmental policy and business-related environmental initiatives would be inclined to damage an economy or a business; quite the contrary, they actually enhance economic growth and business success.

Senator Banks: I believe I would find agreement on all sides of our committee that all of the evidence we have heard in the past several years since emissions have become an issue is to the effect that responsible ecological management at all levels of industry and society are, in the end, profitable. I could provide a long list of examples, beginning with Royal Dutch Shell, whose chairman came before us and said that the measures they had initiated to put into place better ecological practices have resulted in unanticipated profits for his corporation with six zeros on the end of them. He was very happy to explain that to us.

NATIONAL DEFENCE

COST OF RECRUITMENT ADVERTISING

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I would like to continue with the questions concerning advertising asked yesterday of the minister. Can the minister tell us the total cost of the recruitment advertising campaign for the Canadian Forces this year?

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to remind senators of rule 24(1), which states:

When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

- (a) the Leader of the Government in the Senate, if it is a question relating to public affairs,
- (b) a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibility, or
- (c) the Chairman of a committee, if it is a question relating to the activities of that committee.

In this case, the question is for the minister, and she is not here at present.

INDUSTRY

PURCHASE OF MILITARY AIRCRAFT FROM BOEING COMPANY—REGIONAL SPINOFFS

Hon. Francis Fox: Honourable senators, my question is for the Minister of Public Works and Government Services and pertains to the awarding of the contract for the C17 aircraft about which we spoke a while ago. Could Minister of Public Works and Government Services enlighten a number of observers and analysts in this country on the value of this contract's economic spinoffs?

The figure of \$3.4 billion in economic spinoffs has been mentioned, but then the \$1.6 billion maintenance contract was awarded to the U.S. Air Force. Rather than this contract going to Montreal or Winnipeg, it has been awarded to the U.S. Air Force and the contract value is reduced to \$1.8 billion. The engines for these aircraft will be purchased in the United States, which does not help Canada's aerospace industry. In the end, we have a contract worth only \$800 million.

The analysts at *Le Devoir*, Mr. Sansfaçon among them, and Quebec union leaders, including Mr. Massé, are wondering about the actual spinoffs from this contract. The government, of course, refuses to say whether there will be spinoffs for specific regions.

• (1420)

There are doubts about the real economic spinoffs for the Montreal region. Could the minister shed some light on this matter for all Canadians because it seems that he is the only one who understands what these significant economic spinoffs are for this region, when others see them going elsewhere, especially to the United States.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I cite rule 24.1.

The Hon. the Speaker *pro tempore*: I believe the question was for the minister.

Senator Comeau: Honourable senators, I could also cite the Speaker's recent ruling of October 19, 2006.

Senator Fox: Point of order.

The Hon. the Speaker *pro tempore*: The Speaker's ruling confirms the point of order with respect to questions addressed to a minister. This time I really did hear Senator Fox pose a question to the Minister of Public Works and Government Services. The minister is in the chamber and may choose to answer or not.

Senator Comeau: Honourable senators, the question was directed to the Minister for Public Works, but the question had more to do with Industry Canada. Since the question was asked by the Deputy Leader of the Opposition, it is a question that has to do with national defence, and those questions, as you know, are directed to the Leader of the Government in the Senate on behalf of the departments.

Senator Fox: Your Honour, I will repeat the question. The question was directed squarely at Canada's Minister of Public Works and Government Services. He signed the contract as the minister responsible for public works and it is as such that the question was asked of him. To not answer it would be an affront to Parliament.

The Hon. the Acting Speaker: Honourable senators, I want to remind you of rule 24(1):

When the Speaker calls the Question Period, a Senator may, without notice, address an oral question:

- (a) to the Leader of the Government in the Senate, if it is a question relating to public affairs,
- (b) to a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibility, or
- (c) the Chair of a committee...

This is what we have done until now. The Leader of the Government in the Senate is not in the chamber at the moment. The minister has the choice to respond or not.

[Senator Fox]

CABINET

REQUEST FOR LIST OF MINISTERIAL RESPONSIBILITIES

Hon. Eymard G. Corbin: Honourable senators, I have a question that I would like to word as a point of order directed to the Deputy Leader of the Government in the Senate. Could he promise today to table in the Senate the list of all the ministers and a detailed description of each of their responsibilities?

The Hon. the Acting Speaker: Honourable senators, I am sorry, but the *Rules of the Senate* state that the question has to be addressed to the Leader of the Government in the Senate and not the Deputy Leader of the Government.

PUBLIC WORKS AND GOVERNMENT SERVICES

RESPONSIBILITY OF MINISTER REGARDING SIGNED CONTRACTS

Hon. Joan Fraser: Honourable senators, my question is for the Minister of Public Works and Government Services. Could he explain to us whether or not he is responsible for the contracts he signs?

Some Hon. Senators: Hear, hear!

Hon. Michael Fortier (Minister of Public Works and Government Services): Thank you honourable senators. As you know, not only am I responsible for it, I am very proud of it. The contract we signed to buy those four airplanes was extraordinary and we got an extraordinary deal for taxpayers. I took care of airplane acquisition, as directed in my mandate.

Senator Bacon: Honourable senators, he answered the question.

• (1425)

[English]

POINT OF ORDER

Hon. Gerald J. Comeau (Deputy Leader of the Government): Madam Speaker, I rise on a point of order. Many of the questions that were raised today to the chairs of committees dealt with matters that are not now before these committees. As such, the questions ought not to have been asked and ought not to have been answered.

I refer to rule 24(1), which I think some of us have already referred to today, which reads:

When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

- ... (c) the Chairman of a committee, if it is a question relating to the activities of that committee.

A question posed to the Chairman of the Standing Senate Committee on Energy, the Environment, and Natural Resources regarding a bill that has not yet been referred to that committee is clearly out of order. Among other things, it anticipates a decision

of the chamber that has not yet been made. The bill might be referred to that committee, but it might be referred elsewhere. It might be referred to the Legal Committee or the Fisheries Committee, for that matter.

Many other questions were similarly out of order, as they may relate to matters presently before the committee.

I request that Her Honour review these matters and refer to today's Hansard to determine whether many of these questions are out of order. I waited until this time to intervene because I obviously could not raise a point of order until now.

Hon. Lowell Murray: Honourable senators, this question of how Question Period is conducted has been on my mind for a while. I want to put one aspect of the issue to honourable senators for their consideration.

The other day, Senator Tkachuk engaged the Honourable Leader of the Government in the Senate in a protracted exchange concerning Bill S-4. Today, there were questions by Senator Mercer to the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs concerning Bill S-4 and again concerning Bill C-9.

It is, I think, the practice in most assemblies of our kind to exclude or forbid questions during the oral question period concerning matters that are already on the Order Paper and that are the subject of debate or committee consideration. I do not see a specific rule in the *Rules of the Senate of Canada* conditioning our Question Period.

I would like Her Honour to take under advisement, in view of the convention that exists elsewhere and the general provision somewhere in our rules that, where not specified, we adopt the practices and rules of the other House, whether it ought to be permitted to ask or, indeed, answer questions during our oral Question Period concerning matters already on the Order Paper.

The Hon. the Speaker *pro tempore*: Are there comments on the point of order?

Hon. Terry M. Mercer: I wish to respond to Senator Murray's intervention. The bill that passed last evening, which Her Honour reported today, was on the Order Paper in the other place for many days. If I glean correctly from watching television and reading the newspaper, there were dozens, if not hundreds, of questions posed to the Prime Minister, the current Minister of the Environment and the former Minister of the Environment about the implementation of the Kyoto agreement, which that bill dealt with specifically.

If we were to exclude an item on the Order Paper and if we want to follow what happens in the other place, then all those questions, following Senator Murray's argument, would have been out of order. Since Speaker Milliken, whose judgment I respect greatly, did not rule those questions as out of order, I contend that Senator Murray's argument is without substance.

Hon. Jeremiah S. Grafstein: To assist Her Honour in her inquiry, I listened carefully to the deputy leader and I am not sure I heard him correctly. I think he indicated that a committee can only deal with matters, according to his interpretation, of issues that are currently before the committee. Therefore, I assume he

implied that it is premature to raise questions before a matter is referred to committee.

However, that is not what the rule says. I refer the honourable senator and the Her Honour to the rule and I have a suggestion to make.

• (1430)

Rule 24(1) reads as follows:

When the Speaker calls the Question Period, a Senator may . . . address an oral question to:

(c) the Chairman of a committee, if it is a question relating to the activities of that committee.

It is not necessarily limited to a matter.

In presenting your ruling, Her Honour might examine carefully the terms of reference of the committee in question, to determine whether the application of the terms of reference — for instance, my committee has general terms of reference to deal with matters relating to the economy. If members chose to raise a question that we were considering, or about to consider, I would be open to respond to that, because that is one of our terms of reference.

I would hope that Your Honour would look at the terms of reference outstanding by the committee in question, to determine whether these questions were within the ambit of those general terms of reference.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I think it would be difficult for the Speaker to know about everything that goes on in the committees. Committee chairs and ministers are responsible for answering questions concerning issues currently under review in committee. With respect to ministers, the issue is whether or not the question relates to their responsibilities. In determining that, we could settle the issue right away.

It would be very difficult for the Speaker, who does not really know what a committee is studying, to answer a question that the committee is not studying. That could lead to endless debates.

[English]

Hon. Terry Stratton: Honourable senators, the simple answer to the question put forward by Senator Robichaud would be to ask the chair of that committee whether the issue was under study by his committee. It is straightforward. You would put that behind you quickly.

As to Senator Mercer's statement, what is done in the House is done in the House. What is done here is done here.

Hon. Joan Fraser: Honourable senators, some important points were made by both Senators Grafstein and Robichaud. I would observe that the rule says that a question to the chairman of a committee can be a question "relating to the activities of that committee." Activities of a committee normally include planning. It is well-known to us all that the committees often have a fairly good notion of what will or may be coming to them in a given session. Committees do engage in the activity of planning their time.

As Senator Robichaud said, it is really up to the chair of the committee, in a given case, to say whether the committee has or has not considered something or whether the committee has or has not done anything about it, and answer the question in the specific case. I do not think it is out of order to put such questions to chairs of committees.

Hon. Anne C. Cools: Honourable senators, I want to raise the essential point that I raise time and time again, which is this: It is not the role of the Speaker of the Senate to regulate or to superintend every single utterance that comes out of every single senator's mouth.

Senator Mercer: That would be a big job.

Senator Cools: Yes, it would be a big job. However, I was not measuring the magnitude of the task, I was measuring the righteousness of it, the *raison d'être*.

I continue to caution here, again and again, that we should not use points of order as a way of getting Speakers to make rulings that, in two days or two weeks or three weeks or three months, become yet another rule, which only continues to fetter free debate. Perhaps some of the senators' questions were a little limited; perhaps some of the questions were not as intelligent as they should be; perhaps some of them are a bit mischievous. Nevertheless, there is a long gap between mischievous or uninformed questions and being out of order.

Your Honour, I would like to appeal to you as well to exercise some restraint. The notion is here that we senators are supposed to regulate our proceedings ourselves. Therefore, there is room in this system here in this house, in this place, such that, if a senator asks a question — and it may not be the best question in the world — perhaps by a bit of debate back and forth, we would regulate that and deal with it, rather than put that individual senator or those individual senators in the position of being ruled upon.

I would ask Her Honour to bear that in mind. The role of the Senate Speaker is not that of the Speaker of the House of Commons. The Senate Speaker does not have the same role in our proceedings.

I should like to raise another point on the matter; it relates to the business of asking questions to chairmen of committees. I heard no question today that was out of order. I heard questions that some might like to think were out of order or that some might like to be able to persuade Her Honour are out of order, but I heard no question that was out of order. I have a feeling that if I had a chance I, too, would have got to my feet with some alacrity.

Honourable senators, I do not know if the role of chairmen of committees has changed. In my understanding, a chairman of a committee not only is involved in all the business of planning the committee's affairs but also is supposed to be the lead person in the chamber on those matters.

God knows, the leaders of this house have never allowed me the privilege of serving as a committee chairman; however, in the days when I served as a deputy chair, I can tell you that I was well informed with respect to every single subject or matter in this house that touched on what I viewed as my responsibility as

deputy chair. I covered it all, I followed it all, I read it all, and I was ready to defend and to respond.

The chairmen of committees, especially now that they are paid personnel, have a totally different role.

On that topic, honourable senators, one of these days we should have a debate in this place about how the fact of now paying those people \$10,000 a year, or whatever it is, has also changed the nature of the task.

In addition to the old role of chairman having to know everything about every bill that his or her committee will receive and being on top of it and understanding right up to and including planning the moment the committee will begin its studies — because let us not kid ourselves, honourable senators, we have seen references to committee pass here and five seconds later senators receive notices of the committee in the office. The committees were all organized well in advance of the reference being made to commit the bill to the committee.

We must understand that the committee staff frequently are obeying references that have not yet come as they prepare to receive them; otherwise, how can there be an order of reference made in the Senate at 3:30 and the chairman sitting in his chair at the committee meeting at 4:00? We were not born yesterday. If we want to start raking up all of these issues, then maybe that is a matter for another day.

• (1440)

A chairman is perfectly well qualified and should be asked more questions in respect of questions, to quote the rule, "relating to the activities of that committee." I do not think, honourable senators, that we can pretend in today's community that chairmen are well aware of the movements of every bill that they will receive, hope to receive or hope not to receive because we must put onto the record that ministers have been known to lose many bills.

As a matter of fact, during the debate here on the Federal Accountability Act, when Bill C-2, I think it was, fell off the Order Paper, I thought the government was trying to lose it. Frankly, that is what I thought, because I could not believe that a government would let a significant, important piece of initiative fall off the Order Paper. I argued at the time it needed a motion in this place to allow it to come back into debate.

Chairmen in this place increasingly have become representatives of the government, especially if they serve for the government. As far as I am concerned, the choice of questions under this rubric, which is "chairman of a committee" if a question relates to the activity of that committee, I would say to Her Honour that there is a wide range of questions concerning the relationship to the activities of the committee that have yet to be asked in this chamber. Frankly, they should be asked.

As I said before, Your Honour, there is no point of order here. At most it could be said that there were few ill-considered, not wisely articulated questions. There is no need for Your Honour to attempt to take over control of every single word and every single utterance being spoken in this chamber.

The Hon. the Speaker *pro tempore*: Before I recognize Senator Comeau, who will be the last speaker, are there any other comments?

Hon. Percy Downe: Yes, I have a comment.

Honourable senators, it seems to me that rule 24 (1) covers the "Leader of the Government in the Senate" because we can ask any question to the Leader of the Government relating to public affairs. The Leader of the Government has additional responsibility for seniors now, which we can now question her about.

It seems to me that rule 24(1)(b) is the problem today because we have a minister of the Crown and the rule reads that we can ask questions "relating to his ministerial responsibility."

The trouble seems to be that that minister has additional responsibilities given by the Prime Minister and cabinet, the responsibility for Montreal, and may have other responsibilities that we cannot question him on.

It seems to me we should amend rule 24(1)(b) so we can question Minister Fortier on everything he is responsible for, as we do for the Leader of the Government in the Senate. We can ask her about any public policy, including seniors. We cannot do the same for Senator Fortier.

Senator Comeau: Honourable senators, I have two or three brief points.

First, I will start off with the question that Senator Cools raised, namely, that we tend to raise points of order generously. Perhaps she is right, that we should be mindful that we do not raise points of order at the drop of a hat. I am sympathetic to that. Given that I raised the point of order today, I take some responsibility on that.

This issue of questions in Question Period has been dogging us for some time now. Today my point of order was more on the issue of questions to committee chairs. I think we need guidance on this. Senator Downe raised a question of questions to Senator Fortier, which was not the gist of my point of order today. Having said that, he might wish to refer to a ruling in October by the Speaker which addressed the question of a senator's extra ministerial responsibilities above and beyond his role as a minister for certain departments. I think he was referring to a minister with political responsibilities for a region. I think the Speaker of the Senate ruled on that on October 18 or 19, I think it was. That is easy to find.

I wish to raise a couple of points that were mentioned by Senator Grafstein. The honourable senator referred to committees having somewhat of a standing order of activities that relate to that committee. Unlike the House of Commons, the Senate does not have a standing set of orders to study matters that refer to its title. For example, the Standing Senate Committee on Fisheries and Oceans cannot start a fisheries study on its own. The committee must seek a reference from the Senate to proceed. The rule has something to do with the budgets and all kinds of matters. The fact that the Standing Senate Committee on Energy, the Environment and Natural Resources is named the Standing Senate Committee on Energy, the Environment and Natural Resources does not, by itself — and I think I am speaking to one who has far more experience on this than I — give the committee the mandate to study Kyoto if it wishes to do so. It must seek that

mandate. At the present time, I am not certain, and the chairman would have to answer, whether the committee has the mandate to look at that issue or other issues. However, it must be referred by the Senate. The chair, I imagine, would be gracious enough at that point to say that he does not have the mandate to do certain things.

In the matter presently before us, a bill was brought to our attention only today, and I think the fact that the chair of the Standing Senate Committee on Energy, the Environment and Natural Resources responded to questions as to how he would handle or not handle a bill that has not yet been referred to his committee is, in my view, outside what has been, historically, the role of the Senate.

If the bill is referred to the Standing Senate Committee on Energy, the Environment and Natural Resources — and it may or may not be — then at that point I think the chair can answer questions on behalf of the committee. At this point, however, the bill only arrived in the Senate today. We must be mindful of these things. All we are looking for from Her Honour is some guidance, I imagine, as to how we handle those kinds of questions. In effect, points of order every once in a while become useful.

Hon. Roméo Antonius Dallaire: Honourable senators, I am not a lawyer and we seem to be into that sort of realm, but I would like to bring to your attention, if I may, to rule 90, "Powers of committees." It states:

A standing committee shall be empowered to inquire into and report upon such matters as are referred to it from time to time by the Senate. . . .

Senator Comeau: That is exactly my point.

Senator Dallaire: The question is: In Question Period, during which a senator asks a question of a chair of a committee on a matter not considered to be a subject that is being brought to the attention of that committee, is the chair empowered either to answer it or to conduct a study in order to answer it?

[Translation]

The Hon. the Speaker pro tempore: Honourable senators, thank you for your comments. I have heard a number of interesting submissions that I will have to look at carefully with our advisors. I will make my decision in the near future.

Hon. Eymard G. Corbin: Honourable senators, I would like to ask the Deputy Leader of the Government in the Senate whether, in light of his affection for this chamber and the proper conduct of debates during question period, he would be kind enough to table the list of responsibilities of the Minister of Public Works, as well as the laws of Canada for which he has administrative responsibility, so that we can word our questions better and comply with the Rules of the Senate.

Senator Comeau: Honourable senators, I will do so with pleasure.

• (1450)

ORDERS OF THE DAY

NATIONAL DEFENCE ACT CRIMINAL CODE SEX OFFENDER INFORMATION REGISTRATION ACT CRIMINAL RECORDS ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Nolin, for the third reading of Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act;

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Pépin, that Bill S-3 be not now read a third time but that it be amended as follows:

In clause 4,

(a) on page 14, by adding after line 24 the following:

“(1.1) If the Chief of the Defence Staff is considering making a determination, he or she shall notify the Minister before making the determination.

(1.2) The Chief of the Defence Staff may make a determination only if he or she is of the opinion that the operational reasons are of such an exigent nature as to outweigh the public interest in applying the provisions of this Act that would, but for the determination, be applicable in the circumstances.”; and

(b) on page 16,

(i) by adding after line 3 the following:

“(6) The Chief of the Defence Staff shall, every 15 days after making a determination under this section, consider whether the operational reasons continue to apply and, if they do not, shall revise the date on which the operational reasons cease to apply accordingly.

(7) Subsection (6) applies until the date that is provided in the notice under subsection (4) as the date on which the operational reasons cease to apply, unless a revision is made under subsection (6).

(8) If a revision is made under subsection (6),

(a) the Chief of the Defence Staff shall, without delay, notify the Provost Marshal of the revision;

(b) the Provost Marshal shall, without delay, notify the person who is the subject of the determination of the revision;

(c) in the case of a determination made under paragraph (1)(b) or (c), the Provost Marshal shall, without delay, notify the persons referred to in paragraph (5)(a) or (b) of the revision and of the revised date on which the suspension of the time limit or proceeding ceases to apply; and

(d) a person who registers information for the Provost Marshal shall revise the date that was registered under paragraph 8.2(7)(a) of the *Sex Offender Information Registration Act* as the date on which the suspension of the time limit, proceeding or obligation ceases to apply.”; and

(ii) by adding after line 31 the following:

“227.171 (1) The Chief of the Defence Staff shall, within 30 days after the end of each year, submit a report to the Minister on the operation of sections 227.15 and 227.16 for that year that includes

(a) the number of determinations that were made under each of paragraphs 227.15(1)(a) to (d) and the duration of the suspension of the time limit, proceeding or obligation resulting from each determination; and

(b) the number of determinations that were made under subsection 227.16(1) and the number of persons who were exempted under subsection 227.16(4) as a result of each determination.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives the report.”.

Hon. Pierre Claude Nolin: Honourable senators, after consulting the Minister of National Defence, I am pleased to take part in this debate at third reading of Bill S-3 and I intend to be its faithful sponsor.

First of all, I fully support this bill which will bring the military justice system in line with the Criminal Code and the Sex Offender Information Registration Act, so that it conforms to Canadian legal standards. I encourage all honourable senators to vote in favour of this bill.

Before talking about the advantages of Bill S-3, I would like to deal with certain concerns raised during recent meetings of the Standing Senate Committee on Legal and Constitutional Affairs, which Senator Joyal mentioned in his speech.

In light of some of the testimony heard by the committee, some of my colleagues may have been led to believe that the bill before us deals with the policy on and prevention of harassment and the regulatory measures adopted by the Department of National

Defence to deal with it. That is not the case. I regret that such a misunderstanding has arisen. I would like to clarify, for the benefit of honourable senators, the measures that the Department of National Defence and the Canadian Forces have adopted to deal with harassment in the workplace.

One of the witnesses that appeared before the committee explained that the department's study on sexual harassment was done over a decade ago. Since then, much has been accomplished. I would like to be fair to the department and the Canadian Forces by pointing out some of the progress made in this regard. Unfortunately, as in many other workplaces, the Canadian Forces are not immune to sexual harassment. No department or government agency tolerates this behaviour in the workplace.

In 2001, the Canadian Forces adopted a policy for the prevention and resolution of harassment in the workplace. This policy includes an education and awareness component that seeks to inform members of the Canadian Forces and their chiefs of the appropriate procedure for dealing with harassment complaints. The Canadian Forces also established conflict resolution centres for most bases and squadrons. The plaintiffs and the accused have the opportunity to meet and to resolve the complaints together in an appropriate, confidential and non-judgemental environment.

The Canadian Forces took other measures in order to improve the working conditions of all military members and to give them additional means to express their concerns. I would like to highlight three of those measures.

First, I am sure some of you will remember the major review of the military justice system, which was conducted by the Right Hon. Justice Brian Dickson in 1997. One of the major changes that resulted was that in the National Investigation Service, or the NIS. The NIS now has the mandate to investigate serious or sensitive offences against property, people and the department, including alleged sexual offences.

In 1998 — those who were here will remember — Part IV of the National Defence Act was introduced. It established a legislative framework for complaints reported by or about the military police. It added measures to deal with complaints about military police and incidents of interference by senior officers of the Canadian Forces.

Shortly afterward, in 1999, the Office of the Ombudsman for the Department of National Defence and the Canadian Forces was established. The Ombudsman acts as a neutral and objective investigator for both civilian and military members.

Honourable senators, these initiatives combined with the changes made to the harassment prevention policies of the Canadian Forces are not enough in and of themselves to prevent harassment. However, they clearly indicate the determination of the Canadian Forces to deal with harassment.

I would now like to move on to Bill S-3 and address specific questions raised in committee during its consideration.

Let us first look at the purpose of the Sex Offender Information Registration Act and Bill S-3.

Honourable senators, during his testimony before the committee, one of the witnesses said, incorrectly, that the purpose of the Sex Offender Information Registration Act

was to ensure public safety and to monitor sex offenders. That is not the purpose of this bill. Let us be clear: the Act, which is currently in effect, is simply a tool for investigation. This legislation was not designed to constitute another form of punishment for offenders nor a way to prevent sexual offences. The purpose is simply to set up a data bank that contains the address and other pertinent information about registered sex offenders. The police use this information to help in their investigations into new sex offences. Take the following example.

If a sexual offence is alleged in Cold Lake, Alberta, the local police force, which is responsible for investigating the incident, will be able to access the database quickly to determine which sex offenders live in the region where the offence was committed. If necessary, the police will be able to question those people to assist its investigation. It is important to understand that police officers cannot access the SOIRA database whenever they want. A police force can only use the database when it is actively investigating a sexual offence.

Honourable senators, the main goal of Bill S-3 is to ensure that people who are found guilty of sexual offences in a military court are included in the SOIRA database.

This bill is about a very specific issue: ensuring that the SOIRA information registry system can be used within the military justice system. The SOIRA system comes into effect only once an offender has been found guilty of a specific offence. I would emphasize that the requirement to report to a registration centre in accordance with this act does not constitute additional punishment and that registration will not be ordered in all cases.

Let us now move on to another part of the bill, which has also been a cause of concern for some witnesses during meetings of the Standing Senate Committee on Legal and Constitutional Affairs: the powers of the Chief of the Defence Staff. I would like to take a few minutes to clarify those powers given the seriousness and importance of this issue.

A court can order a person to register with the SOIRA database. If Bill S-3 comes into force, courts martial will also be able to hand down such an order. Nobody in the Canadian Forces has or will have the power to exempt anyone from complying with an order.

Under this bill, the Chief of the Defence Staff would be the only member of the Canadian Forces authorized to make two kinds of decisions that satisfy SOIRA requirements while taking into account the Canadian Forces' operational needs.

• (1500)

The first of these powers is conferred under subsection 227.15(1) and may be exercised only under certain circumstances.

Under that subsection, when the Chief of the Defence Staff determines that a person who is subject to the Code of Service Discipline is, for operational reasons, unable to: (1) apply for an exemption within the required period; (2) file an appeal, within the required period, concerning the legality of an order to comply with SOIRA, or file an appeal, within the required period, concerning a decision of the court to not grant an exemption or a

decision of the court to not grant a termination; (3) participate in a proceeding relating to an exemption order or in an appeal; or (4) comply with the obligation to report to a registration office within the required period, the time limits that apply to the exercise of these rights or the exemption from the obligation to report to a registration office will be temporarily suspended until those operational obligations cease to exist.

This decision may be taken only when an operational obligation exists and when, as a result of that obligation, the individual is unable to exercise one of those rights or comply with the obligation to report to a registration office.

Thus, the Chief of the Defence Staff may not exercise this power for just any reason. He or she may not take this decision simply because it would be inconvenient to comply with the SOIRA provisions.

The time limits can only be suspended when it is genuinely impossible to meet any of the conditions listed or to meet the requirement of reporting to a registration office.

We therefore do not expect this power to be exercised very often. However, without this power, certain individuals could find themselves in the unfortunate situation of having violated one legal obligation in order to comply with another, or of renouncing certain rights under the act in order to fulfill a legal obligation under the National Defence Act.

Honourable senators, the only aim of this power is to avoid conflicting situations when an individual's legal obligation to obey a military order conflicts with the exercise of his or her rights, or exemption of his or her SOIRA obligations. Furthermore, the suspension will cease to apply once the operational needs have been met.

Senator Joyal has introduced amendments, one of which pertains to proposed subsection 227.15(1.2). I read with interest the correspondence you exchanged with the office of the Minister of National Defence, and it seems to me that our colleague's final proposal is clearer. I assume that Senator Joyal will want to speak.

The amendment appears on the Order Paper, and Senator Joyal has suggested a few linguistic changes, to further clarify the amendment you have before you. I read this correspondence, and I believe we should add the words Senator Joyal suggests. I will let Senator Joyal introduce the additional amendments accordingly.

I believe it is appropriate to use the expression "public interest" in this same provision. I think that we will all agree that the objective is to make the exceptions in Bill S-3 as clear as possible, since they are exceptional situations. The goal is to set them out as clearly as possible.

I would now like to address the second power conferred on the Chief of the Defence Staff under Bill S-3. The power given to him under subsection 227.16(1) is completely different and more restricted in scope than the power I just mentioned. It applies only to individuals whose names are in the database and who will be away from their residence for more than 15 days. Usually, if an

offender is away from his main residence for more than 15 days but remains in Canada, he must give notice of his departure and return dates and where he can be found. If the offender leaves Canada, he simply has to provide his departure and return dates in the notice.

Under subsection 227.16(1), if the Chief of the Defence Staff determines that disclosing the offender's departure date or location could jeopardize national security, international relations or the security of a designated class of operations, the individual is not required to include that particular information in the notice about absence. This power does not eliminate the obligation to provide a notice about absence. It pertains only to the specific information that is to be provided in the notice. Therefore, the notice will say: I am leaving, and will refer to the power of the Chief of the Defence Staff to indicate why information is missing.

A provision was added to this bill requiring the Chief of the Defence Staff to notify the Minister of National Defence every time he exercises one of these authorities, thus covering the issue of civilian oversight and, there again, Senator Joyal has dealt with this matter in depth and we thank him for that.

Honourable senators, I see that the time allocated to me has elapsed. May I have another five minutes?

The Hon. the Speaker *pro tempore*: Honourable senators, is it agreed?

Some Hon. Senators: Agreed.

Senator Nolin: Honourable senators, Bill S-3 finally establishes a balance between the Sex Offender Information Registration Act and the needs of the Canadian Forces, as well as the rights and obligations of individuals governed by these laws.

The bill will effectively guarantee that the military justice system reflects the values and the objectives of the SOIRA while continuing to respect all Canadian legal standards.

At the same time, it provides the requisite tools to ensure that, when the legal obligations of a member of the Canadian Forces under the National Defence Act are in conflict with those set out in the Sex Offender Information Registration Act, there is a mechanism to resolve this conflict.

The government is proposing a certain number of mechanisms having the advantage of aptly bringing together the special nature of the military operational context and Canadian social constraints.

I believe — and I hope you will see it this way as well — that this bill is a step in the right direction. Therefore I urge you to adopt it with the amendments proposed by Senator Joyal.

Hon. Serge Joyal: Honourable senators, I would like to thank Senator Nolin for his comments with which I concur — to use the language of the justices of the courts of appeal. I greatly appreciate the explanations and clarifications that he has brought to the debate.

I would simply like to say that, indeed, the statistics on sexual harassment go back ten years or more. If we want to maintain some semblance of control over the evolution, the elimination of sexual harassment in the army, given the problem this represents for women who work in the army in particular, then it is very important to have current statistics.

When the Minister of National Defence appeared before the committee, we asked him to ensure that those statistics are updated in order to accurately measure the constant improvements to the existing structures, which Senator Nolin described very well.

• (1510)

There is just a procedural problem at this stage that I want to share with the honourable senators and, of course, with Senator Nolin. In a letter that the Minister of National Defence sent to me, dated February 7, last week, the minister attached reformulations of the amendment that I had previously tabled. In a letter on February 12, I responded to the minister to clarify some aspects and we came to an agreement.

At this stage I need the consent of the honourable senators to withdraw the amendments I had tabled and to table instead the reformulation proposed by the Minister of National Defence and in which the minister concurred, as Senator Nolin said.

I therefore seek the unanimous consent of the chamber to table the amendments that the Minister of Defence himself reviewed and drafted following the changes I brought to him.

The Hon. the Speaker pro tempore: Honourable senators, do you give unanimous consent to withdraw this amendment, at the request of Senator Joyal?

Hon. Senators: Agreed.

MOTION IN AMENDMENT

Hon. Serge Joyal: Thank you, honourable senators. I move that the following amendment be substituted for the amendment we have just withdrawn. I will read it for the benefit of the *Journals of the Senate* and I will read it in the other language, if I may.

[English]

That Bill S-3 be not now read a third time but that it be amended in clause 4, by

(a) adding after line 20 on page 15 the following:

(2.1) The Chief of the Defence Staff may make a determination only if he or she is of the opinion that the operational reasons clearly outweigh in importance the public interest in applying the provisions of the Act that, but for the determination, would apply in the circumstances.

(2.2) The Chief of the Defence Staff shall notify the Minister before making a determination.

(2.3) Every 15 days after a determination is made, the Chief of the Defence Staff shall consider whether the operational reasons cease to apply.

(b) adding after line 31 on page 16 the following:

227.171 (1) The Chief of the Defence Staff shall, within 30 days after the end of each year, submit a report to the Minister on the operation of sections 227.15 and 227.16 for that year that includes

(a) the number of determinations made under each of paragraphs 227.15(a) to (d) and the duration of the suspension resulting from each determination; and

(b) the number of determinations made under subsection 227.16(1) and the number of persons exempted under subsection 227.16(4) as a result of each determination.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament on any of the first 15 days on which that House is sitting after the Minister receives the report.

Those amendments are clearly the amendments that the Minister of National Defence proposed to me, with the two additions that I have suggested the minister adds.

[Translation]

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill, as amended, read third time and passed.

[English]

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. George Baker: Honourable senators, I have a few words concerning this bill with the hope that it will pass second reading and be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

As referenced by many senators in their speeches, the Supreme Court of Canada decided the question in 1980. The decision was, as all senators know, that a bill that advocates an elected Senate is outside the jurisdiction of Parliament. The minister of intergovernmental affairs for the Province of Ontario and the minister of intergovernmental affairs for the Province of Quebec, who has two PhDs on the subject and knows something about it, have both declared that the bill that is in the other place now is outside the jurisdiction of Parliament. They will challenge this piece of legislation if Parliament decides to pass it.

This piece of legislation, Bill S-4, has also partially been adjudicated by the Supreme Court of Canada. Their judgment was referenced in a speech given by another senator previous to me. He said that term limits for senators outside the age limit of 75 "might impair the functioning of the Senate in providing what Sir John A. MacDonald described as 'the sober second thought in legislation'."

Honourable senators, the key is this: Does Bill S-4 impair the Senate's function of providing sober second thought in legislation? That is a fascinating question in my opinion, having spent 28 and a half years in the House of Commons looking at this issue.

What is the standard of review for the Senate in providing sober second thought in legislation? I do not think it has ever been defined in writing. I have not been able to find it. However, the sober second thought in all of the quasi-judicial bodies in our system is quite obvious to me. These are bodies that give sober second thought on social assistance, welfare, employment insurance, old age security, the guaranteed income supplement, old age pensions or the veterans' allowance.

• (1520)

The standard of review is this: It is at your final step, your final body. If there is an error in law, then that body has a right to intervene and reject the decision of the lower body. It is just like professional review, second thought. Doctors, lawyers, accountants and nurses all have those sober second thoughts that are structured in the same way. They say deference will be shown to the first decider of fact down below, and facts shall not be interfered with unless there is a terrible error made in the facts. A decision is only overturned if there has been an error in law. We notice that element in every piece of provincial legislation for doctors, lawyers, accountants, nurses and so on. It has been adjudicated many times.

If we look at the same general structure, it is specific in nature in our courts. It is the same thing. The provincial courts or the Trial Division of the Supreme Court in each province decide the facts, and a decision can only be reviewed by the appellate court if there is an error in law, whether it is the Supreme Court of a province, the Court of Appeal or the Supreme Court of Canada. They do not hear witnesses. It must be awfully boring to be a member of the Court of Appeal of a province reading transcripts day and night, but that is the system we live under. The Supreme Court of Canada is under the same restriction. Only in exceptional circumstances is one allowed to admit new evidence, and that is always by affidavit. One cannot admit it if it was available at the time of the trial. It must be germane to the question under consideration by the Supreme Court or the Court of Appeal.

Here we have the Senate, different from all of these other bodies of so-called sober second thought because there is no written

standard of review for this place — sober second thought — in legislation. In every other body in this country that gives us sober second thought or final determination, there is a written standard of rules. Look at the laws we pass. Usually, the written standard of review appears in the acts or in the rules of court.

What does one do in the case of the Senate? I suggest, honourable senators, that perhaps we could borrow that same standard of review that we find in our society. When I take something concerning social assistance or employment insurance or old age pension to its ultimate determination before a board, there are rules that are written. Some people say, "Why not take the same standard of review as the Supreme Court of Canada? If it is good enough for the Supreme Court of Canada, surely it is good enough for the Senate of Canada." Or is it? That is the question. If we had the same rules, the same standard of review, and this legislation is outside the jurisdiction of this place to pass — in other words, if there is an error in law — then it should be rejected.

I find the most interesting sections of the Canadian Charter of Rights and Freedoms to be sections 24(1) and 24(2) because they provide the remedy for a violation of our charter rights, no matter what it is. Section 24(1) provides for stays in proceedings or the entry of acquittals when the conscience of the community has been shocked. Section 24(2) provides for the exclusion of evidence where the administration of justice would be brought into disrepute. We have there a standard whereby we can only retry the fact.

The House of Commons are the elected members. They have decided the fact. In review, if a senator determines to their mind that the decision shocks the conscience of the community or puts the administration of justice into disrepute, I think that senator should vote against that legislation, just as the standard of review is for the Supreme Court of Canada. If we follow the standard of review as written for each of those bodies, we see it quite clearly. If there is an error in law, then, of course, that particular decision should be overturned. That is why I think we should deal with second reading and send the bill to the committee so this matter can be "examined thoroughly," in the words of Sir John A. Macdonald.

That is one reason — to determine whether there is an error in law here. The second reason is the very reason that the government accepted the amendment of Senator Joyal.

Honourable senators, as far as the institutional memory of this place is concerned and what functions this place should perform, I refer you all to an exchange last week in committee between constitutional expert Professor Hogg — who the Chair of the Standing Senate Committee on Legal and Constitutional Affairs referred to as the man quoted twice as much as anyone else by the Supreme Court of Canada — and Senator Joyal. Senator Joyal started leading him down a road. To paraphrase the great professor, he said: "I know where you are taking me. I know where you are going. It contradicts what I have said. I do not have a logical answer for it now, but sometime tonight, in the middle of the night, I will wake up and I will know."

The other reason is the legislation we passed a moment ago, and I have to congratulate the government for accepting the amendment. We talk about institutional memory. This bill modified a power given to the courts martial. In the middle of

the testimony, one of the witnesses said that as far as the registration of sexual violators are concerned, those who have been convicted, they take other things into consideration in order to perhaps delay putting them on the list. One gentleman said, and the minister also referred to it, that they take into account whether the parties were intoxicated or alcohol was involved when the sexual assault took place. I looked around the table, and I saw people's eyes open wide. Committee members jumped on that comment and said that intoxication is not a defence for sexual assault, and it has been that way for 15 years. That was the start of the amendment made by Senator Joyal and one of the reasons it was made.

We were actually amending a legislative authority given by this house nine years ago, not eight years ago, that was debated in this chamber 10 years ago, and a change to the Criminal Code that was made 15 years ago. The senators around that table were knowledgeable enough to come up with recommendations accompanying this bill that will assist the Government of Canada in redefining the bill when it goes back to the House of Commons.

Honourable senators, I hope second reading can be dealt with as soon as possible. I am the last speaker from the Legal Affairs Committee on this side. We should, as soon as possible, vote on the bill and refer it to the Standing Senate Committee on Legal and Constitutional Affairs so we can get underway.

• (1530)

Hon. Anne C. Cools: Would the honourable senator take a question?

The Hon. the Speaker pro tempore: Honourable Senator Cools, first I would remind the Honourable Senator Baker that he has one minute remaining.

Senator Baker: That is fine.

Senator Cools: Honourable senators, I listened to Senator Baker with great interest. His comments were evocative of Canada's ancient heritage of Common Law and Constitutional Law, which were brought to this place by section 18 of the British North America Act. The honourable senator referred to section 24 of the Constitution Act, 1867, in his quest for proper exercise of the law and in an appeal to the great Common Law notion that, if at any stage in a process these insufficiencies are discovered, they should be remedied without injury to the lower stage of the process. The contents of section 24 of the Charter of Rights and Freedoms are known to few people. For the record, I shall read that section:

24(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Honourable senators, most do not realize that the words "court of competent jurisdiction" with 24(1) also include the high court of Parliament, of which the Senate is a great part.

I would ask Senator Baker the profound question not only of sober second thought but also of the high court of Parliament having the last word on questions as to composition and in

conformity with the Constitution of the land. Honourable senators must remember that the Constitution Act, 1867, the BNA Act, was supposed to be an adaptation of the British Constitution in this newly settled frontier and slightly wild land.

Senator Baker: When the honourable senator was asking her question, I was thinking about the first section in the Criminal Code in which a provision speaks to anyone who misleads or provides information that would mislead the Senate or a committee of the Senate. The usual procedure is prosecution when someone intentionally misleads the court. However, the Criminal Code first mentions the Senate, committees of the Senate and then the House of Commons committees. Thus, honourable senators, anyone who misleads Your Honour or any senator in this house can be subjected to a jail term of 10 years, according to Canada's Criminal Code.

Does that answer the honourable senator's question?

Senator Cools: Yes, thank you. Honourable senators, Senator Baker has raised important questions. The preponderance of opinion on this bill rests on the fact that there is no constitutional authority to make these changes by a simple bill. The authority is simply not there. The authority could be debated, but the surest proof that it does not exist lies in knowing that, had it existed, some other ambitious prime minister would have used it a long time ago.

Honourable senators, I shall speak to these issues at a future sitting of the Senate, and so I move the adjournment of the debate.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Cools, seconded by the Honourable Senator Prud'homme, that further debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker pro tempore: Honourable senators in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Honourable senators opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

An Hon. Senator: The "yeas" have it.

The Hon. the Speaker pro tempore: I believe the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker pro tempore: Is there agreement on the bell?

Senator Stratton: A 30-minute bell is agreed upon.

The Hon. the Speaker pro tempore: Call in the senators.

• (1600)

Motion agreed to and debate adjourned on the following division:

YEAS THE HONOURABLE SENATORS

Bacon	Harb
Banks	Hervieux-Payette
Biron	Hubley
Bryden	Joyal
Carstairs	McCoy
Chaput	Mercer
Cook	Milne
Cools	Mitchell
Corbin	Moore
Cordy	Peterson
Cowan	Phalen
Dallaire	Ringuette
Downe	Robichaud
Fraser	Tardif
Goldstein	Watt—31
Grafstein	

NAYS THE HONOURABLE SENATORS

Champagne	Nancy Ruth
Cochrane	Nolin
Comeau	St. Germain
Keon	Stratton—9
Meighen	

ABSTENTIONS THE HONOURABLE SENATORS

Nil

• (1610)

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Tommy Banks moved third reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water). —(*Honourable Senator Banks*)

He said: Honourable senators, as you will recall, yesterday, the Standing Senate Committee on Energy, the Environment and Natural Resources reported this bill without amendment. It is the second time that we have reported a bill: the first was so close to being identical to this one that it is fair to say that its thrust, purpose, intent and effect are identical.

I urge that we move this bill to third reading. I wish to remind you about my cartoon version for the purpose of this bill. Senator Grafstein will be more specific, but the Food and Drugs Act is designed to ensure that purveyors of whatever we ingest in Canada are obliged to ensure that when we buy, obtain, use and ingest their product, that we will not be harmed by it, and that reasonable prudence will be observed to ensure that it will not kill us or make us sick. The act applies to cigarettes, bubble gum,

chocolate bars, Corn Flakes and every conceivable foodstuff. The only thing to which it does not apply with respect to the application of enforceable federal standards is the one thing without which we cannot live. We can live without celery, Sweet Marie bars, bubble gum and even ice cubes, but we cannot live without water, and that is the one thing that we ingest that is not subject to standard federal regulation.

That is the point and purpose of this bill, and I urge you strongly to support its passage now.

Hon. Jeremiah S. Grafstein: Honourable senators, first, I wish to thank Senator Banks for that precise analysis of the bill. I think he cut to the heart of the bill, and I want to thank the committee members for their patience and indulgence because the bill has now been referred to the committee for the second time. The committee dealt with it thoroughly, heard a copious number of witnesses, examined the bill for a second time and again has unanimously recommended it to the House without amendment.

Honourable senators, I am here once again, calling on your patience and indulgence, to give a short synopsis of a rather long and episodic history of this bill. This month, February, marks the sixth anniversary of the bill in relatively the same form. I first introduced then Bill S-18 in the Senate in February 2001 at first reading, some six years ago. The second reading was approved and referred to this same committee on April 24, 2001, and the committee reported the bill without amendment on May 10, 2001, some six years ago. At third reading it was referred to the Standing Senate Committee on Legal and Constitutional Affairs for a constitutional question, and then it died on the Order Paper.

I reintroduced it again as Bill S-42, and now it reappears, once again, as Bill S-205. This legislation has essentially been before the Senate for six years.

The bill, as the chairman of the Energy Committee pointed out, is simple. It is remedial in scope, clinical, cost-effective and simple to understand. It is to amend the Food and Drug Act by adding clean drinking water as an objective, so that the federal agency that is mandated to regulate drinking water will do so for communities with a population of more than 25.

The federal government already regulates water, as the chairman pointed out. It regulates water in bottles and it regulates ice cubes. The federal government under its other powers regulates drinking water in parks, on airplanes and on ships, so it is not a new power for the federal government to regulate drinking water.

I want to emphasize that we are the only developed country in the modern world that does not have federally mandated standards of drinking water for the country at large.

There were two objections to this bill that I will review quickly. One was the constitutional objection. Finally, after six years, we have heard from government witnesses that there is no constitutional objection to this bill. The government witnesses have opined clearly that there was no constitutional impediment to this bill. That evidence was given to the committee by the officials who came to the committee from the Department of Health and made it absolutely clear that it was not a problem. This major barrier that was put to the Senate was a false barrier, and it has now been extinguished by the government of the day.

Therefore, when we look at this question, we say to ourselves that since there is no constitutional objection, we do not have to belabour that point, we do not have to refer it to another committee and we do not have to duck the responsibility of solving this particular problem.

The second objection put forward by the government is the argument that the voluntary guidelines are already working with the provinces, and, therefore, there is no need for this bill. Under the current regime, the federal government talks with the provinces, they work through a voluntary set of standards, and, ultimately, after some time and deliberation, the federal government sets them out in a notional bill or a regulation, but standards are not mandatory or binding. The provinces can or cannot meet that particular standard. They say there is no need for a mandatory standard because the voluntary standards are working.

The good news is that since this bill was introduced and since the wake-up calls in Walkerton, Ontario, North Battleford, Saskatchewan, Charlottetown, Prince Edward Island and, most recently, Vancouver, British Columbia, where a good chunk of the Vancouver population was on boil-water advisories, the provinces have finally started concentrating on that question and have thrown a lot of money at it. The bad news is that not much has been improved, despite a lot of money and political activity because the provinces are still not doing the job they were mandated to do under the Constitution, namely, to ensure that the health of their citizens is cared for.

I want to pay a special tribute to my colleagues who represent the Aboriginal community, Senator Adams, Senator Sibbeston and, particularly, Senator Watt, who came to me with this problem six or seven and a half years ago. Senator Watt said the problem is an egregious one in the Aboriginal communities. Most Aboriginal communities do not have good drinking water. I looked into the question then, and that opened up the whole question for me. I wish to pay particular tribute to — I do not like saying this — the Godfather of this bill, Senator Watt. Without his encouragement, I do not think I would have persevered all these years.

We know there is a serious problem in the Aboriginal communities that has not been addressed. We have dealt with three governments since this bill was introduced that promised they would address the problem with the Aboriginal communities. Mr. Chrétien made that promise in a Throne Speech, and Mr. Martin also made that promise in a Throne Speech.

• (1620)

Now we have heard from Mr. Prentice, Minister of Indian Affairs and Northern Development, who made the promise as well. Money has been thrown at the problem, but when it applies in particular to the Aboriginal communities, there is still no regulatory oversight. The numbers vary because we do not have precise information, but anywhere from 150 to 500 Aboriginal communities do not have clean drinking water.

I told honourable senators some years ago the horrible story I came across when I organized a meeting in an Aboriginal community in Northern Ontario. A woman from Grassy Narrows came to our group and said, "I live in Grassy Narrows, and if I want to have a baby that is not deformed, I must leave the reservation and cleanse my womb for three years to ensure that my baby is not born deformed."

Even when I raised this outrageous and scandalous situation, I could not motivate the government of the day to address this particular problem. One of the rationales for this bill is to provide mandatory oversight for federal and provincial officials to do the job they were sworn to do, which is to provide health to each and every Canadian.

What has happened since? In the most recent study, Canada is almost at the bottom of the barrel when it comes to stewardship of our drinking water. We are twenty-sixth out of 28 countries in the developed world in terms of managing our water resources, and that includes our drinking water resources.

It is interesting to note the recent report released by Simon Fraser University under the aegis of the David Suzuki Foundation. By the way, David Suzuki and I attended high school together. In his report, *The Maple Leaf in the OECD*, Dr. Suzuki compares progress toward water sustainability. He points out something that I have been arguing about, which is now clear beyond a doubt, that even at this late stage, there is no comprehensive assessment of drinking water quality across the country. This is the reason, according to the report, on page 24:

A comprehensive assessment of Canadian water quality is not possible due to a lack of national water quality monitoring data.

Not only do we not have a regulation; we do not even have the data. However, the anecdotal evidence is overwhelming that in every region of the country — and this Senate is a Senate of the regions — we have fallen below an acceptable standard of care when it comes to drinking water.

When officials came forward — by the way, I do not criticize them because they are doing their job and they are doing the best they can under the mandate they have — they argued that they cannot tell us the data with respect to the nature or quality of drinking water across the regions because there is no scientific or comprehensive analysis linking bad drinking water and poor health.

I was stuck with this problem. I went to an outstanding expert, Dr. David Schindler, from Alberta. Some senators might know of him. He and I worked on this problem and came up with a logarithm based on the information we had at the time. That was six years ago and the situation is now worse.

Six years ago, Dr. Schindler and I concluded that, at a minimum, the out-of-pocket cost to the health system was between \$1 billion and \$2 billion. That estimate was conservative and included only direct costs, not indirect costs, for example, if someone could not work because of a problem with poor drinking water.

Canada remains the only modern country in the developed world without legally enforceable standards for regulation. The Americans brought in standards in 1974. Despite the problem of states' rights, they went ahead. Today, if you live in the United States and you want to find out the water quality in your area, you can go to a website, enter your regional code, your 604 or 908, and find out about the most recent drinking water advisories in your region. Wayward America, and we lag behind.

Even the Auditor General has said that Canada lags behind. The evidence is not only in the report; the evidence came to the committee. It was startling to hear the Auditor General say that even the voluntary guidelines were woefully out of date and were not in force. Even the voluntary guidelines are several years out of date. We heard testimony at the committee that the guidelines are catching up; they think they are now on top. However, no one can tell us for sure whether each of the provinces are applying even the voluntary guidelines.

We finally received an advisory from the Department of Health, information for the first time. I want to thank the chairman of the committee, because he was pressing for this information, as was I, at the committee. I am not a member of the committee. We discovered that there were thousands of boil water advisories from across the country that the Department of Health had finally put together in a list. Then we received a statement, filed by the committee, which purported that about 1,174 boil water advisories were in place. That does not seem like a lot for Canada, but it was not a true number; it was only a number at a moment in time last December. Even that limited sample indicated that 250,000 Canadians were at risk. If you coagulate the number across the entire year, it would be 10 or 12 times that particular figure. Drinking water is a serious health problem in Canada that is not addressed by these voluntary guidelines.

Beyond a doubt, the system is not working. We now have a wake-up call by these boil water advisories. I am sad to say that even the Sierra Legal Defence Fund is now doing a provincial ranking. In British Columbia, a province we admire and one that is well represented in this chamber, which is proud of its water performance, was given a C-plus due to the high rate of boil water advisories, not only in December but throughout the year.

The other scandalous situation is in Newfoundland. In Newfoundland, a number of the outposts have never had clean drinking water. In the 21st century, a number of communities in the outposts of Newfoundland do not have clean drinking water. A woman who has a family of four, five or six must boil water every day to fulfil her household tasks and ensure that her children drink clean water. It is a scandal and there is no excuse for it. The money is there but we lack the political will to address the problem.

The reason this issue is local and not national is clear. The problem does not register in the national media. We have local advisories here and there, but no one puts the numbers together. Due to the efforts of the chairman of this fine committee, we received the first figures from the Department of Health, and they were shocking. I find this strange.

We, in Canada, are worried about the world. Honourable senators will find this information in the wonderful report that we just tabled today. The first thing we do when we go to Africa is provide clean water systems. When we go to Afghanistan, the first thing we do, Senator Dallaire, is ensure that our troops have clean drinking water. We provide clean drinking water systems around the world, but we do not do it in Canada. Is that not a shock? Is that not ironic?

I will end my comments with this final irony. About two weeks ago the Food and Drugs Act issued a new advisory about a healthy diet. In the advisory, they say, as Senator Banks has said,

that eight glasses of drinking water is mandatory if you want to have a clean, healthy diet. In Canada, the Food and Drugs Act says that is what we must do, but they do not mandate it to ensure that every region of the country has clean drinking water.

I believe in the Constitution and in equality. I believe that every Canadian, wherever he or she lives, every man, woman and child, is entitled to a clean glass of water eight times a day. I believe that with this clinical bill we will provide the proper oversight and overview to ensure that each and every Canadian is entitled to his and her equal right: eight glasses of clean drinking water every day.

I urge the speedy approval of this piece of legislation.

The Hon. the Speaker *pro tempore*: Senator Dallaire would like to ask a question. Will you take questions, Senator Grafstein?

Senator Grafstein: Yes.

Hon. Roméo Antonius Dallaire: My daughter is a young civil engineer heading off to South Africa to build water and sewage systems for the Canadian International Development Agency, CIDA, for six months.

• (1630)

Bob McDonald, who does "Quirks & Quarks" on CBC, did a demonstration using a glass of water. If a glass of water is all water in the world, he said, and you take away the water in the oceans, the North and South polar caps and the water in the air, the amount of drinkable water barely covers the bottom of the glass. What is more, Mr. McDonald said that 70 per cent of that drinkable water is in Canada. He says, "We pee in it." The question becomes our consideration of how we are abusing our own water.

In California and Arizona, there are massive plantations, where every drop of water is being sucked out, to feed artificial surfaces like golf courses, to name but one.

What security process and future management plan do we have in place vis-à-vis Canada's water, in regards to the massive abuse of the use of water on this continent, let alone elsewhere, let alone our own ability to keep it clean for our people?

Senator Grafstein: I did not want to go into this matter, but I will very briefly. This really touches on another bill — one that is on the Order Paper; I intend to deal with that bill, if this bill is successful, which deals with the problem the honourable senator addresses.

In Canada, the statistics are very clear. On the surface, we have the largest capacious source of clean drinking water in the world. Much of it is now polluted. The problem is not getting any better; it is getting worse.

The other problem, more intense than that, and the reason OECD and Suzuki and Simon Fraser condemn us, is the problem of sustainability. In other words, we consume much more than we return back to the system in a purified form. That is a deeper problem, and one that we must address.

I have before the Senate another bill that deals with the up-source problem — which is watersheds. In a nutshell, I am asking the federal government to map out all the watersheds, which are the sources of water in Canada, so we can at least keep track and try to provide preservation and sustainability with those watersheds. We do not do it. That is the subject matter of another bill.

This is a down-stream problem. The two are connected but not really directly involved. At the down-stream problem, we can clean this up by regulation, by additional costs. As Senator Banks pointed out, we pay for our water. The problem is that because it has been so capacious, the cost of water has been very low, and people do not notice it. The truth is that one of the fastest-growing businesses in Canada is bottled water. If you buy a bottle of Fiji or Evian water in a restaurant, it will cost you more than a glass of wine, in most cases. There is an irony to this. The drinking water in Toronto is better than most of the bottled water — because we have worked consistently on that problem in Toronto. Other cities are not as fortunate, they have not done the work.

There is a problem. It is a larger question, and I hope we will address it in a future piece of legislation on the Order Paper.

On motion of Senator Cochrane, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator LeBreton, P.C.*)

Hon. Terry M. Mercer: Honourable senators, it is a pleasure for me to rise today to speak to this issue, the inquiry introduced by Senator Fairbairn on the state of literacy in Canada.

The preamble to this inquiry includes a very significant phrase “which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.” How true that is.

We often forget the many issues confronting Canadians and overlook some challenges many Canadians face. However, we cannot easily overlook this one. Literacy is a very simple thing to understand, but there is no simple solution to overcoming the boundaries many cope with when they do not have the proper literacy skills.

Honourable senators, literacy is the essential skill. Whether it is reading, writing, thinking or using social skills as the result, literacy is the gateway to a knowledgeable, practical and productive society. How, then, is it possible that Canada's new government is slashing funding for literacy programs? How is it possible the federal government does not recognize the importance of literacy programs, even in my home province of

Nova Scotia? According to Literacy Nova Scotia, these cuts will adversely affect 6,000 Nova Scotians currently in literacy programs, as well as the 30 per cent of Nova Scotians that do not have a high school diploma.

One reason cited for these cuts and the others is that these programs were not providing any value for money spent. Can you believe it? Would my colleagues on both sides of the chamber like to visit Literacy Nova Scotia and suggest that to the many citizens who use this program?

I would submit that, instead of cutting funding, we should be increasing funding because of the absolute success of these programs in producing results. According to the Organisation for Economic Co-operation and Development, Statistics Canada in 2004, a 1 per cent growth in the average literacy and numeracy levels in Canada will yield a 1.5 per cent permanent increase in the GDP per capita. That would amount to approximately \$18 billion a year. That is a lot of money.

To my Conservative friends — literacy is just good business; it makes a lot of sense.

Many times I have spoken in this place about the connection between literacy and education with health and economic factors that influence our communities. I have always believed that literacy is the one true path to eliminating poverty.

In October 2005, I attended the launch event for the Halifax Humanities 101, a Clemente Course in the Humanities. The Clemente course, founded by Earl Shorris, seeks to break the cycle of poverty through increased literacy. All metro Halifax universities donated teaching time. Donations were received from foundations, including McCain and RBC, and from individuals, including myself. These funds were offered to support rooms, teaching supplies, food — and even daycare for those who needed it. This was done without government funding. Nevertheless, it was difficult, because many programs are in place that receive funding; there is never enough to go around.

Certainly, with these new cuts, there will not be an opportunity to secure new funding for this initiative — or any others. It will also be difficult to keep service levels the same for programs that already rely on funding. Programs that rely solely on government funding are in jeopardy or disappearing.

• (1640)

Honourable senators, poverty is not an easy thing to overcome or live in. Students in the Clemente course have gone from living in the street to teaching in schools themselves. What now? What about the thousands of Nova Scotians who rely on literacy programs to improve their lives and those of their families? What of the tens of thousands of Canadians across the country who do so as well? The consequence of these funding cuts is enormous, more so than we understand even here in this place.

I draw the attention of honourable senators to a January article in *The Globe and Mail*. It told a story of an Alberta machinist who lost his left arm below the elbow. A new machine arrived at his work. The machine appeared to operate in a similar manner as the old ones it replaced. Its operation was treated by this man as such. This accident occurred because the worker could not read the new owner's manual.

Honourable senators, it is not hard to see how increased literacy skills lead to improved health and quality of life; even saving a life or, in this case, a limb. It is not hard to see how improved health leads to improved productivity. It is not hard to see how improved productivity leads to better and safer communities.

Despite these well-known facts, funding has been slashed for literacy programs. The first link in the chain has been broken. Moreover, as we all know the rest of the adage, a chain is only as strong as its weakest link.

Honourable senators, another point of view I would like to mention is that of the provinces. How much more burden can we place on the provincial governments to solve socio-economic problems? In the wake of these cuts to literacy and many other areas, the provinces must pick up the slack. Can they afford to? A better question is, can we afford not to pay attention and fight to have these cuts reversed?

In conclusion, honourable senators, I implore all of you to look at what is happening, not just with the cuts to literacy but with the cuts to women's, children's and volunteer programs. I implore you to ask your government why this is happening. I implore you to demand that funding for these programs be restored. You must do it for your children, your children's children and for the very communities in which you live. We in public life cannot improve the lives of the citizens we serve by unwarranted slashing of important programs, the very programs that help us prepare for a better future.

Hon. Yoine Goldstein: Honourable senators, I wish to add my voice to those who have already contributed to Senator Fairbairn's inquiry on the state of literacy in Canada. She spoke with the knowledge, passion and commitment for which she is so highly regarded in this chamber and elsewhere. Those of you who added your voices to the inquiry obviously share the same commitment and passion.

I must begin by underscoring that this inquiry was prompted by the government's deeply regrettable decision last year to cut \$17.7 million in funding from adult literacy programs across the country. That cut was contained in a billion-dollar package of cuts predominantly to social justice programs, a reflection, regrettably, of the current government's lack of interest in the welfare of the average citizen.

These cuts in funding are all the more deplorable since without literacy Canadian citizens have dramatically reduced employment prospects, difficulty in exercising their democratic rights, and are unable to contribute to the dialogues and interactions that help shape our society and our values.

However, today I want to concentrate on another element of literacy that is often neglected, mainly that of numeracy, which is a new word. It is a contraction of the words "numerical" and "literacy."

Numeracy, or "quantitative or mathematical literacy," refers to a person's ability to use and understand numbers and to perform the basic mathematical calculations that are required for life at home and at work. It includes every day tasks like creating a household budget, determining which product offers the best

value for price, as well as more complex tasks such as developing a long-term retirement plan. It is essential if people are to understand how to choose to finance or refinance their motor vehicles, or how to choose between different types of insurance policies. In short, a mass of daily activities of the average Canadian requires numerical skills, that is, numeracy.

Human Resources and Social Development Canada calls numeracy one of the nine items or "essential skills" required for employability. In fact, the department's website lists numeracy as one of the most important skills for no less than 102 occupations in Canada, some of which we would not necessarily think of as requiring numerical skills, such as bartending, fish processing, fabric making, heavy equipment operating, painting, sawmill operating and welding. Within these fields, numeracy is essential for calculating area and volume, determining the proper ratio for a mixture or preparing cost estimates. There are many blue-collar jobs where number competence is required for safety, to understand, for example, instructions regarding the use and mixture of hazardous chemicals or, as the Honourable Senate Mercer has indicated, how to operate heavy equipment.

Over the past few decades, numeracy skills have also become more important in our personal lives because the number and complexity of the financial decisions faced by Canadians have expanded rapidly and continue to do so. The development of new products like pay-day loans, reverse mortgages, consumer lines of credit, credit card transactions and charges, zero down payment mortgages and other complex consumer financial packages has given each of us more choice in how to manage credit, but has also increased the possibility that we may choose a product which is poorly suited to our needs. The slow decline of the value of employer pension plans has also meant that decisions about retirement savings and RRSPs are now crucial to many people's ability to retire comfortably.

Fortunately, there are Canadians who have been able to take advantage of these new products and have been able to improve their financial well-being. For those who are financially savvy, it can be relatively simple to benefit from low-cost credit, leverage investments, and find tax shelters to protect their assets. To those people, the growing diversity and complexity of Canada's financial system is an opportunity to be exploited.

At the opposite end of the spectrum, however, are people without the numeracy skills needed to identify the best values at the supermarket, let alone the differences between various credit products. Being able to determine the relative price differences between sale items can be very essential for low-income families. For example, the difference between two cans of pasta for \$2 or 40 per cent off a can that is regularly \$1.50 may be small, but it can amount to a great deal of money over time, especially for those with low income.

Even more disturbing is the fact that people without numeracy skills cannot evaluate the cost of money that is available to them through the credit system. Without these skills, many Canadians wind up paying far more for a loan than they need to. For example, they may think that they are getting a very good deal if they are charged \$50 in interest and fees on a two week pay-day loan of \$300. However, on an annualized basis, that \$50 translates into an absolutely exorbitant interest rate that needlessly deprives Canadians of hard earned income. The same can be said of

reliance on credit card borrowing or on the use of any credit product with interest that accumulates, frequently faster than a person's ability to pay it down.

Honourable senators, undoubtedly some of you are thinking that there is only so much a government can do to protect credit users, and that financial service firms should be able to offer whatever products the free market will bear. However, one of the essential conditions of an enlightened free market is that consumers must have knowledge of all of their options in order to make the best choice for them. Clearly, without numeracy skills, an informed choice cannot be made at the grocery store, at the bank or anywhere else.

A lack of numeracy skills can have further direct consequences on individuals, their families and in fact on all of Canadian society. Under the best of circumstances, such people find themselves under tremendous financial pressure, and under the worst of circumstances those people who cannot manage the credit system go into personal bankruptcy.

• (1650)

Honourable senators, last year there were 98,450 personal bankruptcies in Canada. Over 8,000 human beings suffered the shame and the disadvantages of personal bankruptcy each and every month. Although there was a very small reduction in personal bankruptcies in comparison to the year before, Statistics Canada tells us that the average ratio of debt to disposable income amongst Canadians rose during the year to reach over 123 per cent. This indicates that Canadians are taking on more debt than ever before and analysts now warn us that any significant economic slowdown would cause the bankruptcy rate to shoot up once more.

Whether or not it shoots up, the fact is that at least 8,000 Canadians each and every month are going into bankruptcy. Most of them go into bankruptcy because they cannot manipulate or control the credit system. Most of those cannot control their use of the credit system because they lack the numeracy skills to do so.

This is nothing short of a Canadian human tragedy and it repeats each and every day. In most personal bankruptcies there is a spouse or a partner. There are children in many cases. There are creditors in all cases. That means that at least half a million Canadians are directly affected and touched by personal bankruptcies of 100,000 Canadians each and every year.

Honourable senators will recall that in the fall of last year I questioned the Honourable Leader of the Government in this chamber about when a new bankruptcy and insolvency bill would be introduced. I was assured in private conversation that it would be introduced by the end of the year, and she was true to her word. However, it was attempted to be introduced as a ways and means motion and the so-called new government sought, but did not obtain, unanimous consent. Accordingly, the bill, although it is ready — I have a copy of it — has not been introduced. That bill, when adopted and promulgated, would streamline personal bankruptcies, would bring a host of needed improvements to the system and to the process, and would encourage credit counselling for those who cannot deal with the credit system.

However, the so-called new government is so new that it has not had time to introduce it, preferring instead to deal with other supposed priorities.

Ordinary Canadians, hundreds of thousands of them each and every year, are not the priority of the so-called new government. Small wonder that they deleted the word "Progressive" from the name of the party, limiting themselves to "Conservatives." We have seen that there is nothing progressive about the new government.

Senator Stratton: Oxymoron, big time.

Senator Goldstein: I have a variety of answers to that, but I prefer not to give them to my honourable friend at the moment.

Instead of the "new government," perhaps it should be called the "askew government," because its priorities are so unbalanced and so out of equilibrium.

It is worrisome, honourable senators, that the number of Canadians with numeracy challenges is so disturbingly high. At the moment, it is estimated that 40 per cent of adult Canadians have only low or basic numeracy skills. This figure, however, masks an enormous variation between age groups. For example, over 60 per cent of Canadians between the ages of 56 and 65 have basic or low numeracy, compared with fewer than 40 per cent of Canadians between the ages of 16 and 25. This means that the bulk of Canadians who need help with numeracy falls into the age group most affected by the recent and regrettable new "askew" government cuts.

Studies by Statistics Canada have found that there is a high correlation between numeracy and literacy skills, but it is useful for us to remember that these are separate skills that require distinct policies and training programs to improve.

The need for numeracy skills is likely to increase further over the years as new financial tools are created and new information technology becomes more integrated into traditional sectors of the economy such as construction, farming, forestry and others. If we do not take steps now to provide all Canadians, both young and old, with the numeracy skills required for them to make a living and to manage their finances, we are likely to see more and more Canadians lacking the resources they need to support themselves and depending more on the government to do it for them.

While I believe that the funding cut last year should be restored, I must say in all honesty that I do not believe government has the sole responsibility for ensuring that Canadians have the numeracy skills they need.

[Translation]

There are groups outside the government sector who are working to build awareness, educate Canadians, and help them improve their knowledge of financial issues. Allow me to highlight some of the existing initiatives.

First, the Canadian Foundation for Economic Education and other associations dedicated to protecting consumers make various educational resources concerning personal finances available to students and their teachers. They also offer other services, such as courses and information workshops on subjects including budgeting, credit and debt.

Second, I would like to acknowledge the Canadian Bankers Association's program, "There's Something About Money", which brings volunteer bankers trained by the association into schools to give Canadian teens 75-minute seminars on the basics of good financial management.

Finally, I would like to mention the ABC CANADA Literacy Foundation, which recognizes the importance of basic math skills in everyday life. Through its website, the foundation gives all Canadians advice and helpful math hints, such as how to calculate a tip in a restaurant, how much they pay in sales tax and how much they are saving when they buy something on sale.

[English]

However, the current programs are insufficient to help people who need better numeracy skills. The private sector, and particularly Canada's banks and financial service firms, must make a better effort to guarantee that citizens understand the products they are offered and must improve the transparency of the fees and interest rates they charge. I would like to suggest, for example, that a private sector initiative could involve the creation of a plain language seminar series to be offered at schools and community centres across the country, as well as the development of an improved practical mathematical curriculum — and I emphasize "practical" — for Canadian schools.

Numerical literacy and letter literacy go hand in hand. Enhancing one enhances the other. The current government cut in this program afflicts both letter illiterate people and number illiterate people in this country.

Honourable senators, there is an aching in the Canadian body politic that we have the ability to heal — not immediately, not alone, certainly. However, with our prescriptions, our recommended doses, the reinstatement of this askew government's literacy program financing and the cooperation of the dispensing organizations, we have the potential to cause meaningful improvements in the lives of so many Canadians. Can we afford to not try?

Hon. Joan Fraser: Would Senator Goldstein take a question?

Senator Goldstein: Certainly.

Senator Fraser: I thank the honourable senator for that interesting and thought-provoking speech. This inquiry has produced many insightful comments on the problems of literacy and numeracy. I was very impressed by the senator's focus on numeracy.

I was also struck by the fact that the honourable senator used once or twice a phrase that is often used nowadays — "Canada's new government." I put my own back-of-the-envelope numeracy skills to work, inspired by his challenge, so to speak. It seems to me that if we take the average life of a majority government, the present Government of Canada is in its teens, which may explain

why it shows such disregard for so many of the normal rules of society.

If we take the average life of a minority government, this government is in late middle age, heading rapidly to retirement. Would the honourable senator agree with me that it is time to retire the phrase "Canada's new government"?

• (1700)

Senator Goldstein: I could not have said it better, nor would I dare to try. I used the words "new government" entirely in its sarcastic connotation. It is clear that this new government is old and tired and out of touch with the people it is governing.

On motion of Senator Milne, debate adjourned.

CANADIAN NATIONAL VIMY MEMORIAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial, begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.
—(Honourable Senator Meighen)

Hon. Michael A. Meighen: Honourable senators, I rise to speak briefly on Senator Dallaire's inquiry calling the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial, and to follow up a bit on my previous remarks. I am sorry Senator Joyal is not in the chamber — he was here earlier — because I know he has a strong interest in this matter and wanted to know what was going on.

I am pleased to tell all this afternoon — and honourable senators will realize that "all" is not very much. I am hoping to learn more — as I am sure all honourable senators are — in the very near future as to the plans of the Department of Veterans Affairs with respect to the commemoration of this event.

Having said that, honourable senators are aware that this major restoration effort was launched back in 2001 to address a serious deterioration of our memorial at Vimy. The final touches are under way. On February 7 — just eight days ago — members of our subcommittee on Veterans Affairs were provided with some details regarding the rededication of the refurbished memorial and the commemoration events surrounding the ninetieth anniversary of the battle that inspired its creation.

Appearing before the subcommittee was Mr. Robert Mercer, Assistant Deputy Minister of Vimy Event 2007, Veterans Affairs Canada, who informed us that activities will be taking place both in Europe and in Canada. In France, the official Canadian contingent apparently will be comprised of at least 135 people. In addition, there will also be 20 members of the RCMP — plus their horses, I hear — and over 300 members of the Canadian Forces, including a representative from each of the four regiments who counted among their ranks a winner of the Victoria Cross at Vimy. Many other veterans will be in attendance, including

20 who will be government-sponsored. I was impressed to learn there will be at least as many students from across the country in attendance in 2007 as there were those who lost their lives in Vimy in 1917.

There were 3,598 Canadian casualties at Vimy and 7,104 wounded. The number of students to date, each of whom, honourable senators, has raised privately the funds necessary to travel to France, now exceeds 4,000.

Hon. Senators: Hear, hear!

Senator Meighen: There will also be thousands more from Canada and around the world who will converge atop Hill 145. Four major events will take place. On Saturday, April 7, the remains of two Canadian soldiers will be buried. These remains were located some time ago and will finally receive a respectful burial.

Second, a Freedom of the City event for the Canadian military will take place in the city of Arras, located very close to Vimy.

Third, there will be a ceremony here in Canada at the National War Memorial, as well as over 25 separate events across the country.

Finally, the dedication ceremony itself will take place on Easter Monday at the newly restored Canadian National Vimy Memorial.

[Translation]

Last week, Veterans Affairs Canada informed the Subcommittee on Veterans Affairs that interest in the Vimy event greatly exceeded the department's expectations. We have even received requests from individuals who attended the 1936 ceremony to attend the inauguration ceremony. This will be a major event.

To satisfy those who will be unable to attend one of our numerous celebrations across the country, the inauguration ceremony will be televised everywhere in Canada.

[English]

With the dedication of the restored Canadian National Vimy Memorial, an important beacon of our nationhood will shine long into the future for generations to come. I look forward to celebrating with the rest of Canadians this truly momentous event.

Hon. Roméo Antonius Dallaire: Will the honourable senator accept a question?

Senator Meighen: Certainly.

Senator Dallaire: The initiatives, as you have described, will be mainly overseas, where the memorial is, with some initiatives taking place here in Canada, as you have indicated.

The question of Vimy is one of the history of us becoming a nation, just as we are gaining an enormous reputation in Afghanistan with our colleagues, giving us political leverage

with NATO, and so on. In 1917, those troops gave us leverage to be at Versailles in 1919, to become a nation, and be recognized as such, as a signatory of the peace.

As we move on through the years, with the restoration of that site and people visiting it and so on, we are welcoming more and more new Canadians, who are trying to learn the history of Canada so that they can integrate into our Canadian society. Yet, the major effort of the commemoration of our nation in its maturing is across the pond.

As we raised at the committee, do you think it appropriate, now that we are talking about the ninetieth anniversary, that perhaps we should try to convince the government or society to look at the one hundredth anniversary, which is only 10 years down the road, to try to repatriate the memorial, by creating something of substance in this country, where people can go to visit, where they can touch something and read about it?

It is interesting that, in Confederation Square, there is an ice sculpture of Vimy that has attracted a lot of attention. Would it not be wise for us to move some yardsticks to get people thinking about recreating the monument, or something like it, in Canada for the one hundredth anniversary?

[Translation]

Senator Meighen: Senator Dallaire, I think that is an excellent suggestion. I wonder if the commemorative ceremony to be held on April 7 could be an opportunity to introduce that idea. It would be my pleasure — if I am still chair of the subcommittee, obviously — to submit the proposal to the members of the subcommittee.

[English]

It is certainly the most impressive war memorial that I have ever seen in my life, and I think many people share that view. I do not know whether we can recreate the atmosphere; perhaps that would be difficult to do since that was the place where Canada came of age. The memorial itself is so striking that it is something that, at least if it is here in Canada, will be seen by more Canadians and will be a constant reminder to them of our history, which is something that I do not think we have always done a good job of teaching to all Canadians, whether native-born or newly arrived. I thank you for that suggestion and I would be glad to follow up on it.

Senator Dallaire: In 1974, I was commanding the guard at Vimy. The Canadian government representative that came there was the MP from my riding. He was a fine man. At the ceremony, with all the French dignitaries, he spent about 20 minutes telling them how ineffective their troops had been in defeating the Germans and how we had magnificently done the job. He berated them in French and then took another 20 minutes in English to do exactly the same thing again. That did not really come across too well.

I am wondering, at the ninetieth anniversary, if the government will be represented not only by the Governor General, who is the Commander-in-Chief, but also by the Prime Minister, to demonstrate the significance of this ninetieth anniversary and that restoration?

• (1710)

Senator Meighen: I hope so, dear colleague, but I have not been informed of those details. I have heard rumours of the presence of the Prime Minister, of Her Majesty the Queen and of others. I gather it is difficult for both Her Majesty and the Governor General to be at the same place at the same time. That is a matter for the protocol experts to work out.

I have no doubt, given the interest that is evident in the country, as evidenced by the 4,000 students who have raised enough money to pay their own way there, and by the department's own admission that the level of interest has surpassed anything they anticipated. I think we will find that all those important people that you mentioned will do their utmost to be there. Whether or not they all make it, time will tell.

On motion of Senator Banks, debate adjourned.

[Translation]

CRISIS IN CANADIAN CULTURE

INQUIRY—DEBATE ADJOURNED

Hon. Andrée Champagne rose, pursuant to notice of February 13, 2007:

That she will call the attention of the Senate to a major crisis in Canadian culture.

She said: Honourable senators, in recent weeks, Canadian culture has seen a mounting crisis that few among us could have predicted. Our television production, an incontestable example of our distinct nature, is at risk.

One of the most important achievements of the government of the day, the Canadian Television Fund was created in 1996. Every year since then, all Canadian cable operators have been investing five per cent of their revenue, and the Canadian government contributing \$100 million.

Since 1996, \$2.3 billion has helped create some 4,500 Canadian productions in French, English and various Aboriginal languages. We have produced dramas, variety programs, programs for children and adolescents, and documentaries. Canadian television, with its varied networks from sea to sea to sea, has become one of this country's greatest treasures.

[English]

Last December, Shaw Communications announced it would stop contributing to the fund. They would stop making their monthly payments. A month later, Vidéotron, part of the Quebecor Empire, followed suit. If both cable companies had been allowed to abandon their commitment, the fund would have suffered a loss of \$25 million this year and \$72 million in 2008.

How does the fund work, some of you may ask? Who really benefits from it? Why would those huge cable distributors suddenly decide to withhold the money? Had they not signed an agreement? Yes they had and the law is clear, but for a small detail, which I will explain later.

The fund was set up to provide money for private, independent producers; to encourage and promote quality programming and Canadian content; and to help keep our television alive and different from American productions.

[Translation]

A private producer comes up with an idea and spends a small fortune developing it into a project he or she considers viable. The producer presents the project to a television network. If the network is equally convinced that the project is likely to be a success, considering its viewers' tastes, it enters into a contract to broadcast the program or series.

Only then can the private producer present the project to the board of the Canadian Television Fund, in the hope of receiving a portion of the production funding that is needed.

[English]

Then, what are the reasons for Shaw Communications and Vidéotron's rebellion? Honourable senators, it seems that close to 35 per cent of the productions that receive funding from the Canadian Television Fund will end up on one of the CBC networks. If one is to believe Pierre Karl Péladeau, owner of TVA, he puts money into a fund that will help produce some shows that will be aired ultimately by its main competitor, Radio-Canada, and he resents it.

[Translation]

Yet figures show that Quebecor usually invests roughly \$16 million in the Fund and receives some \$18 million in production funding. This is not too bad. By refusing to pay the monthly sum they had promised to contribute to what we usually call the "cable fund", were Vidéotron and Shaw Communications acting lawfully or unlawfully? Could the CRTC have revoked the licences of these cable distributors? These were the burning issues for over a week.

For his part, the chair of the fund, Douglas Barrett, stated that the legislation governing the fund is unclear. Lawyers are still arguing about how to interpret it. Some claim that the signatories actually had until August 31 to make their contributions. The Liberals had set up a very valuable fund, but the regulations governing it left something to be desired.

It seems that the monthly payments were part of a sort of gentleman's agreement between the partners, but that Shaw Communications and Vidéotron had changed their minds. Everyone involved in television production was very concerned, especially in Quebec.

[English]

The month of March marks the deadline for presenting many projects that will become part of the programming of our television networks next fall and next January. What was to be on our small screens then was in jeopardy. Who was worried? Producers, of course, but also all those men and women that they hire: writers, directors, actors, technicians, composers, musicians and post-production experts.

On Monday of last week, Pierre Karl Péladeau announced that he would rather create his own fund than participate, be it indirectly, in a show that might be aired on one of the CBC networks.

[Translation]

In any case, all productions that TVA would not have been able to produce in-house would be turned over to another Quebecor affiliate, Productions JPL, Jean-Paul Ladouceur's former company, and it could continue to receive federal tax credits and would try to go after Quebec tax credits.

However, the possible loss of funds for the Canadian Television Fund would have limited the chances of independent producers obtaining backing from broadcasters. If TVA did not like the project, too bad! Especially since monies provided to the Fund would have been reduced. What did our government do in these difficult circumstances?

The Minister of Heritage said little at the outset of the crisis but she was very involved in the matter. First, our government announced that for the first time since the establishment of the Fund, the minister was undertaking to invest the amounts promised, that is \$100 million per year, over the next two years.

The Hon. Bev Oda met with all the stakeholders: the CRTC, the Television Fund, the president of the Association des producteurs, Ms. Samson, representatives from Shaw Communications and Quebecor and, of course, the lawyers for all the parties involved in the dispute.

Furthermore, she even assured the independent producers that current productions would not be interrupted. On Tuesday, in the Standing Committee on Heritage, she announced that she had written to both of the rebellious cable operators ordering them to keep their word.

Konrad Von Finckenstein, who faced this crisis as the new chairman of the CRTC, was quick to remind Quebecor and Shaw Communications that the government and the CRTC intended to take every measure necessary to ensure that all parties played by the rules.

• (1720)

In the past few months, Quebecor and Shaw have asked the Canadian Television Fund to change some of its rules, but they never got enough votes for the changes to come into force. Ms. Oda committed to holding new talks on the subject, but only after the two cable distributors resume making the promised contributions, which Vidéotron, at least, has said it will do.

One can just hear the industry's sigh of relief. I think we are still hearing it. That must be what was blowing the snow around in Montreal yesterday. Still, the fact is that our television industry

was in danger, as were our cultural industries. Workers in this intrinsically unstable field were asking themselves some important questions. They are all freelancers who wonder where their next paycheques are coming from. Our government could not let two huge cable companies go back on their promises because some of the money would be going to their competitors.

Honourable senators, I hope that you will join me in offering your support and congratulations to our minister and your scorn to those who, despite their government licence, questioned their contributions to something that has had a successful impact on Canada's cultural life.

Hon. Joan Fraser: Honourable senators, I would like to congratulate Senator Champagne for drawing the Senate's attention to this crucial issue, which is the sort of thing we talk about very little here — not enough, in fact.

I have often thought that it is probably a very good thing for Canada that Senator Champagne is a member of the government caucus. I would have liked it to be our government, but one cannot have everything. I believe that she had some influence in this matter. That said, I would like to move adjournment of the debate for the remainder of my time.

On motion of Senator Fraser, debate adjourned to the next sitting of the Senate.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government), with leave of the Senate, and notwithstanding rule 58(1)(h), moved:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 20, 2007, at 2 p.m.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 20, 2007 at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, February 15, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations + 2 at 3 rd	07/02/15		
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3^d	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 ^d (including 1 amend. to report) 06/11/09 disagree with Total 158	06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21	06/12/12	9/06
							Referred to committee 06/11/23		
							Report adopted 06/12/07		
							Message from Commons- agree with Senate amendments 06/12/11		
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs	07/02/15	0			
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06
C-26	An Act to amend the Criminal Code (criminal interest rate)	07/02/07							
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11	07/01/31	National Finance	07/02/13	0	07/02/14		
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-288	An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol	07/02/15							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources	07/02/14	0			
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							
S-223	An Act to amend the Access to Information Act (Sen. Milne)	07/02/15							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07		

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OFFICIAL REPORT
(HANSARD)

Tuesday, February 20, 2007

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, February 20, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of members of the Parliament of Georgia. On behalf of all honourable senators, I welcome our distinguished friends to the Senate of Canada.

SENATORS' STATEMENTS

CONDEMNATION OF EXECUTION OF SADDAM HUSSEIN

Hon. Mobina S. B. Jaffer: Honourable senators, are only some Canadian values for export? Saddam Hussein's execution for crimes against humanity by Iraqi authorities has been met with a mixture of elation and outrage the world over. As a Shia Muslim, I am well aware of the atrocities he committed while he held power. He was a thuggish, even monstrous, dictator who cemented his reign with terror and oppression. Though Canada was not involved in his trial or capture, there can be no doubt that the international community, including Canada, had a tremendous investment in seeing him brought to justice.

His execution raises important issues about the types of values we hope to export to the rest of the world and whether countries like Canada wish to export all of their values or whether we will keep some of our values to ourselves. Are some of our values only to be exercised in Canada?

Like many Muslims, both Sunni and Shia throughout the world, my family and I were beginning the celebration of Eid ul-Adha when Saddam was hanged. Eid ul-Adha commemorates an event many Canadians, both Muslim and non-Muslim, are familiar with, when God called upon his Prophet Ibrahim — peace be upon him — to sacrifice his son as a test of his faith. It is a time when Muslims reflect on the sacrifice. The significance of executing as controversial a figure as Saddam Hussein during a time of sectarian conflict in Iraq, at the start of one of the holiest times on the Islamic calendar, cannot be overlooked.

• (1405)

Death by hanging is a practice that would revolt most Canadians today, even for the most terrible of criminals, if it took place within our own borders. Why, then, do we remain silent when it happens elsewhere? Why do we allow it to pass without comment when the whole world is watching?

This ignores the values we hold dear. It is our own values against which Canadians should be comparing the process, not those of Saddam's brutal regime. While the process may have

succeeded in improving on the one that existed during Saddam's dictatorship, it has failed utterly to achieve the standards that we would expect in the type of democracy we ourselves enjoy and want Iraq to have.

The Vatican and many countries have strongly condemned the death penalty. It requires courage to stand up like this and I commend them for doing so. It shows that no single man can be so terrible that we have to abandon our principles to defeat him. I am disappointed that our government has remained silent on the hanging of Saddam Hussein.

When Canada refuses to stand for all its values, we risk sending the message that some of our values do not matter. The execution of Saddam Hussein cannot be changed, but it falls to all of us to speak out with one voice and condemn any departure from the values we seek to promote elsewhere, regardless of where they occur. If we fail to do so, we will undermine them everywhere.

GERMANY

PROSECUTION OF ERNST ZUNDEL

Hon. David Tkachuk: Honourable senators may remember the case of Ernst Zundel, a man who gained notoriety in Canada and elsewhere as a writer and publisher of anti-Semitic propaganda and as a Holocaust denier. Mr. Zundel was deported from the U.S. to Canada in February 2003 and spent just over two years detained here as a national security threat while fighting his extradition to his native Germany to stand trial for hate crime charges. After lengthy and costly court proceedings, Mr. Zundel was finally deported from Canada to Germany in March 2005, where he was immediately arrested.

I am pleased to inform honourable senators that this sad tale is in sight at last. On Thursday, February 15, a German court convicted Mr. Zundel on 14 counts of incitement of racial hatred. He was sentenced to five years in jail, the maximum punishment under German law for Holocaust denial. While the court has rendered its verdict, Mr. Zundel will doubtlessly try to appeal as he has done many times in the past. This ruling stands as a judgment against one man. The sad thing is that his lies drew hundreds to a conference in Iran. This judgement is a victory against him but not his views.

At the time of his deportation to Germany, I said in this chamber that I believe Mr. Zundel is to be pitied because he has wasted his life spreading lies and hate. I still believe this to be true. In addition to wasting his own life, he has encouraged others to do so as well by spreading vicious lies about the Holocaust and the Jewish people, and giving aid to neo-Nazi groups that incite hatred and potential political violence against governments and multicultural societies such as our own.

Honourable senators, Mr. Zundel serves as an example to remind all Canadians that anti-Semitism is not something that has been relegated to the history books. Sadly, it still has a voice and still finds an audience. Mr. Zundel was a teacher and views such

as his can be nurtured in those who are not taught well. That is how we can produce people who can be easily influenced by such hate mongering. We must never stop guarding against it. It is a victory that will never be completely won.

[English]

Although it has taken a long time for Mr. Zundel to be brought to justice, I am pleased with the decision of the German courts and the message it sends not just in that country, but in our own and throughout the world.

[Translation]

NATIONAL INSTITUTE FOR NANOTECHNOLOGY

Hon. Claudette Tardif: Honourable senators, on February 7, representatives of the University of Alberta and the Government of Alberta were at the National Institute for Nanotechnology to announce the recruitment of a leading chemist, Dr. Richard McCreery.

• (1410)

[English]

Dr. McCreery will hold a cross-appointment as a Principal Researcher for the National Research Council in the National Institute for Nanotechnology, as an Alberta Ingenuity Scholar in Molecular Electronics and as a Professor in Chemistry in the Faculty of Science at the University of Alberta. He will be instrumental in integrating research into the learning environment to enhance the experience of both undergraduate and graduate students.

Mr. Doug Horner, Minister of Advanced Education and Technology for Alberta, noted that the unique partnership between the National Research Council, the Government of Alberta and the University of Alberta that makes up the Institute for Nanotechnology is an example of partnerships that result in synergies that are critical to finding innovative solutions to big problems. He further stated that the commercialization of technology is the key to the global economy.

[Translation]

These kinds of partnerships are vital if we want to continue to attract prominent, experienced experts from around the world who will help develop and stimulate research in the fields of nanotechnology and biotechnology.

Honourable senators, this is a concrete example of how important it is to invest in research and innovation in our universities. Canada must continue to invest, as it has done over the past few years, in post-secondary education as well as research and innovation. Our country's prosperity depends on it.

ROUTINE PROCEEDINGS

STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK

REPORT OF FISHERIES AND OCEANS COMMITTEE TABLED

Hon. Janis G. Johnson: Honourable senators, I have the honour to table, in both official languages, the sixth (interim) report of the Standing Senate Committee on Fisheries and Oceans on issues relating to the federal government's new and evolving policy framework for managing Canada's fisheries and oceans, entitled: *The Management of Atlantic Fish Stocks: Beyond the 200-Mile Limit*.

On motion of Senator Johnson, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Hon. A. Raynell Andreychuk: Honourable senators, I have the honour to table, in both official languages, the seventh report of the Standing Senate Committee on Human Rights, dealing with the examination of cases of alleged discrimination in the hiring and promotion practices of the federal public service, entitled: *Employment Equity in the Federal Public Service — Not There Yet*.

On motion of Senator Andreychuk, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1415)

[Translation]

THE HONOURABLE GRANT MITCHELL

DECLARATION OF PRIVATE INTEREST

The Hon. the Speaker: Honourable senators, before beginning Question Period, I have a declaration of private interest to announce to the Senate:

Honourable senators, Senator Mitchell has made a declaration of private interest concerning questions he asked in the Senate on November 22, 2006 and January 30, 2007. Pursuant to rule 32.1, the declaration will be recorded in the *Journals of the Senate*.

QUESTION PERIOD

LABOUR

CANADIAN NATIONAL STRIKE

NATIONAL DEFENCE

AFGHANISTAN—BALANCING EXPENDITURES
ON MILITARY EQUIPMENT AND HUMANITARIAN AID

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate.

Following the excellent Senate report on Afghanistan, which was unanimously acclaimed, my question has to do with finding the right balance between developing the country and protecting its citizens. Can the Leader of the Government assure me that an amount equal to that spent to buy and send the F18 fighter planes, which are set to leave Canada soon, will be spent on protecting and fostering peace in Afghanistan?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question.

I do not have a specific answer for the speculation about sending these aircraft. However, I did note that, in the other place yesterday, there was some question about the validity of that claim. Nevertheless, I shall take the question as notice.

[Translation]

Senator Hervieux-Payette: I would like to remind honourable senators that every time an F18 takes off, it costs anywhere from \$50,000 to \$150,000, which is a considerable expenditure.

Plans to purchase new Leopard tanks were also recently announced, along with other spending that will serve to protect and ensure the safety of the Afghan people. If we send F18s and another fleet of tanks, can the Leader of the Government assure the Senate that an equal amount will be spent on humanitarian aid?

[English]

Senator LeBreton: I cannot answer a question on speculation about the purchase of equipment. However, I wish to assure all honourable senators that our commitment in Afghanistan is a well-balanced commitment to reconstruction, securing the peace and also working with the Afghan government to further strengthen their democracy.

I believe our Armed Forces are doing an outstanding job. The reports coming back from Afghanistan support that. Certainly, if you believe public opinion, Canadians also believe that the efforts we are undertaking as a country, with our NATO partners on this UN-led mission in Afghanistan, are worthwhile. No reasonable country could possibly consider not proceeding with our efforts in Afghanistan; the alternative is just unfathomable.

Hon. Larry W. Campbell: Honourable senators, Canadians in remote areas are without food, fuel and vital supplies, and all the Conservative government can come up with is a mediator in the ongoing dispute with Canadian National. Labour Minister Blackburn's statement about how he wants the dispute ended in hours and not days lacks the required action, as usual, to resolve this issue.

• (1420)

It is just like this government to make commitments without a clue about how to follow through on them. How many hours will this take? Thousands? Hundreds of thousands? When will we see an end? I am reminded of health care wait time guarantees and promises of increased child care spaces.

My question to the government leader is as follows: What will the government do to alleviate the economic repercussions associated with the ongoing CN strike?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. There is no question that the government is seized with the issue of the CN strike and its impact on the Canadian economy. Last evening, Minister Blackburn called upon CN and the United Transportation Union to get back to dealing with this issue. All courses of action will be considered, the minister said; we cannot allow this strike to do great harm.

The honourable senator is correct in saying that the strike is having a great impact in Western Canada vis-à-vis the forestry industry and grain producers. The strike is also negatively affecting northern communities that need the CN to assure their supply of diesel and heating fuel. As Minister Blackburn and the government have indicated, we will take every action necessary, including tabling back-to-work legislation.

Senator Campbell: I thank the leader for her comments. I am not suggesting that we should be looking at ordering the CN workers back to work, but I would ask two questions: First, is a 90-day cooling-off period being considered? Second, what is the time frame for mediation? As we know, mediation can go on forever and ever. In the meantime, the trains are backing up, the Port of Vancouver is full of ships waiting to take on cargo and the northern communities are experiencing difficulty getting fuel and supplies. The railway is a lifeline for these communities. Is there a timeline, and is a 90-day cooling-off period being considered?

Senator LeBreton: As Minister Blackburn said, both parties have hours, not days, to resolve this. I could not agree more with the honourable senator. The CN strike has a detrimental impact on our economy. The country and government cannot allow this situation to continue. As I said, the parties have hours, not days, failing which the government will be prepared to legislate the CN workers back to work.

Senator Campbell: I certainly would not want to put words into the leader's mouth, but if we are talking about a time frame in days, could we expect perhaps a 90-day cooling-off period — which the leader did not answer — by the end of this week, so that

the parties can sit down with a time frame in mind and in a situation that will not lead them to fight with each other but to try to come to a resolution? I am not much in favour of ordering them back to work.

Senator LeBreton: The 90-day cooling-off period was not an option that I was aware of. I know the government is concerned about this and is prepared to take immediate action. If there were such a matter under consideration, I am personally not aware of it. I shall take that portion of the honourable senator's question as notice.

[Translation]

NATIONAL DEFENCE

OFFICIAL LANGUAGES STRATEGIC PLAN— REDUCTION OF TARGETS

Hon. Claudette Tardif: Honourable senators, I was disappointed to learn that in its new strategic plan, the Department of National Defence has reduced its official languages requirements. The plan indicates that the Canadian Forces will divide units along linguistic lines, with 277 English-speaking units, 55 French-speaking units and 222 bilingual units.

This is a definite step backward for linguistic duality in this country. Creating unilingual units and forcing people to work in their second official language in certain situations violate the principle of linguistic duality and the spirit of the Official Languages Act, as it ought to apply in our federal institutions.

Can the minister tell us why the Department of National Defence has been unable to meet its obligations?

• (1425)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question and appreciate her concerns with regard to this matter. The honourable senator has expressed some concerns, which have been expressed by others.

I will simply take the question as notice in order to provide her with the proper response of the Department of National Defence. The department will need time to tell us how it will address this very important issue.

[Translation]

Senator Tardif: I thank the Leader of the Government for her answer. I would like to ask a supplementary question. Will a francophone soldier from Edmonton be able to work in French in his province, or will he have to move to Quebec to be able to work in French?

[English]

Senator LeBreton: Honourable senators, my answer to this question is the same as my previous answer. I am not aware of a situation where someone who speaks either one or the other

official language would be prevented from working in their own language, no matter where they reside in this country.

I will make the honourable senator's views known to the minister and ask the Department of National Defence if it can provide an answer to address her concerns.

[Translation]

Hon. Maria Chaput: My supplementary question is for the Leader of the Government. When she meets with defence department officials on this issue, will she also talk with the new Commissioner of Official Languages? The Department of National Defence mentioned in a press release that it had consulted the Commissioner, but that is not true.

The Commissioner says that a report was issued last year in response to recommendations from the Department of National Defence suggesting a new approach to bilingualism. Could the minister look at this new approach to see whether it is applicable, whether it changes the rules or whether it reduces services? Otherwise, this approach could be simplistic and divisive if it is not subject to the Official Languages Act and organizational imperatives. Creating little islands based on language would weaken national unity.

Can the government leader guarantee that she will keep all this in mind when she meets with departmental officials? Does she also plan discuss this with the Commissioner of Official Languages?

[English]

Senator LeBreton: I thank the honourable senator for that question. I would hope that no such trend exists to divide people along linguistic lines. In her question to me, the honourable senator indicated that the Department of National Defence had given an answer that seems to contradict the Commissioner of Official Languages. One group said they had consulted; the other group said they had not consulted.

As the honourable senator would understand, I want to give the department and the minister a chance to respond to her concerns. I was not aware that there was a conflict between what the department believed and what the Commissioner of Official Languages said.

As with Senator Tardif's questions, I will take the question as notice and return with an answer for the honourable senator as soon as possible.

THE ENVIRONMENT

CANADA-ONTARIO AGREEMENT RESPECTING GREAT LAKES ECOSYSTEM—RENEWAL

Hon. Lorna Milne: Honourable senators, last week in the Standing Senate Committee on Energy, the Environment and Natural Resources, we were informed that due "to the tremendous confusion" that currently exists in Environment Canada, no federal progress has been made at all towards either renewing or extending the current Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem.

This agreement was originally signed in 1971, between eight federal departments and three provincial ministries. Since then, six more Canada-Ontario agreements have been signed, the most recent in 2002. The current agreement is due to expire in March. Since there is such abysmal lack of direction and leadership at Environment Canada, it is impossible to imagine that this government will be prepared or even able to renegotiate this agreement before the end of March.

• (1430)

Can the Leader of the Government in the Senate assure this chamber that Minister Baird will do the right thing and use his authority to extend the life and funding of the present Canada-Ontario agreement until his department is organized enough to renegotiate this agreement on behalf of so many Canadians who live in the Great Lakes Basin?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I do not want to quarrel over her interpretation of what is going on within Environment Canada. Environment Minister Mr. Baird is working extremely hard with his officials on all environmental fronts. There will be many announcements made on the environment over the next few weeks. I will simply ascertain for Senator Milne from the Minister of the Environment whether he can answer her question on the Great Lakes. Certainly, the Great Lakes are a valuable resource to all people living around them. I am quite confident that Minister Baird is sufficiently seized of the environment portfolio. He has already made some incredible announcements and he will be working with other members of the government, as well as his provincial and territorial counterparts, in advancing the environment file on all fronts.

Senator Milne: Honourable senators, I have a supplementary question. I thank the Leader of the Government in the Senate for her response, but I would like to point out that this was not my interpretation, this was an actual quotation from one of the expert witnesses before the committee. I would like to remind her of the importance of this issue. The confusion that I mentioned may have something to do with this government appointing two new ministers and a new deputy minister during the past year.

This is an issue of tremendous importance. It is a sensitive ecological region that is home to eight million Canadians. The land area directly affected by the Canada-Ontario agreement contains two thirds of Canada's manufacturing output, and its well-being should be a major concern for this government and for the majority of Canadians.

Can the Leader of the Government in the Senate advise the Minister of the Environment that honourable senators are greatly concerned about the proper renegotiation of this agreement, and we want to see the minister act with dispatch so that he can achieve the greatest benefit for all Canadians?

Senator LeBreton: Honourable senators, I do not believe there is anyone who would not encourage and support any actions to clean up our water and air. Certainly, the Great Lakes system is of vital importance to the Canadian population. It is important to the population south of the border.

I again disagree with Senator Milne's use of a quote from one witness. We all can quote what people may think or say about the Minister of the Environment, but I will simply quote back the

Deputy Leader of the Liberal Party when he very succinctly told the present Leader, "You did not get it done."

Senator Milne: The agreement expires in March.

• (1435)

NATIONAL DEFENCE

AFGHANISTAN—EFFORTS TO PROMOTE SECURITY AND EQUALITY FOR WOMEN AND GIRLS

Hon. Mobina S. B. Jaffer: Honourable senators, my question is directed to the Leader of the Government in the Senate. Recently I sent to all senators a report entitled "Too Little Has Changed," a report of follow-up meetings with Afghan Canadian women conducted by the Canadian Committee on Women, Peace and Security, which I had the honour to chair for two years, carrying on the work of our former colleague Senator Wilson.

The women consulted, all of whom are Afghani Canadians and many of whom have spent a great deal of time working in Afghanistan to promote security and equality for women and girls, are unanimous on one thing — that is, as the title of the report says, that too little has changed. As the report says, security remains the most critical concern for women and girls living in Afghanistan despite the hopes that were created by the international community.

Can the government leader please give us details of specific programs Canadian troops in Afghanistan are undertaking to promote security and equality for women and girls?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Jaffer for that question. I believe the situation in Afghanistan for women and girls, while nowhere near where we would like to see it, has improved markedly in the past year. All evidence supports that, including from members of the Karzai government.

I had the opportunity to meet with the minister responsible for women's affairs when she accompanied President Karzai on his visit last year. There is much work to do. However, there is no doubt that, with girls again being able to go to school and with women receiving micro-credit to open small businesses, great strides have taken place in the past year. However, that is not to say that much more cannot be done. There is much work to do, and Minister Verner and Minister MacKay are working diligently in that regard with their officials and their counterparts in Afghanistan.

As the Prime Minister indicated when he spoke to the Canadian Club on February 6, it is the intention of the government to report very soon on the status of the situation in Afghanistan.

Senator Jaffer: Honourable senators, will the minister inquire what specific programs our Canadian troops in Afghanistan are undertaking to promote security and equality for Afghan women?

Senator LeBreton: I shall certainly get more explicit details for Senator Jaffer. The reports coming back from Afghanistan indicate that our military people, diplomats and reconstruction

workers are working hard at building roads and moving people back into their communities, which helps all Afghan citizens, including women and children.

I shall get specific details of the programs that are directly related to women and children.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised by Senator Cordy on December 5, 2006, concerning bed nets and malaria control.

MANUFACTURE AND USE OF CLUSTER MUNITIONS

Hon. Elizabeth Hubley: Honourable senators, the cluster bomb is an especially brutal weapon, with its hundreds of smaller bombs that are dispersed over a wide radius, many of them lying on the ground unexploded for weeks or months waiting to be discovered tragically by children and other innocent civilians.

The United Nations has condemned the use of cluster munitions, and Norway has taken the lead internationally in having them banned, just as Canada took the lead some years ago in having land mines banned.

Are cluster bombs or any of their component parts currently being manufactured in Canada, and are these munitions part of the Canadian arsenal of weaponry?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I believe a conference is taking place right now at the United Nations on this very matter. In terms of the Canadian arsenal, I have seen no reports of these munitions being used by the Canadian Forces, but I shall take the honourable senator's question as notice.

• (1440)

FOREIGN AFFAIRS

CLUSTER MUNITIONS—USE BY NATO FORCES— OSLO CONFERENCE

Hon. Elizabeth Hubley: My question is for the government leader. Have cluster bombs been used by NATO military forces in Afghanistan?

The Oslo Conference on Cluster Munitions is being held from February 21 to February 23. Perhaps the leader can share with us the role Canada will play in the growing international effort to have these weapons banned.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I cannot in my position as Leader of the Government in the Senate answer for other NATO countries. I will simply take the question as notice. Of course, the honourable senator is quite right; the meetings are taking place in Oslo from February 21 to 23.

Senator Hubley: Will the minister explain Canada's role in that conference when she brings the answers back?

Senator LeBreton: Yes.

INTERNATIONAL COOPERATION

AFRICA—CUTS TO RED CROSS PROGRAM TO DISTRIBUTE BED NETS

(Response to question raised by Hon. Jane Cordy on December 5, 2006)

The Government of Canada maintains a firm commitment to support initiatives for malaria control, especially those directed towards children and pregnant women.

Canada has been the leading donor country to an international partnership to broaden the free large-scale delivery of bed nets, in combination with other lifesaving interventions. The Canadian International Development Agency (CIDA) is responsible for 16 per cent of the 25 million insecticide treated bed nets that are being distributed through this partnership free of charge.

The Canadian Red Cross (CRC) continues to be a valued CIDA partner in this effort, most recently completing a bed net distribution of nearly 900,000 nets in Sierra Leone. CRC has received over \$26 million in CIDA funds since 2002. The Canadian Red Cross still has funds remaining from its last CIDA grant of \$20 million that will be used to support bed net distribution activities in 2007. This program has in no way been abandoned. Discussions with the CRC on the next phase of the program are proceeding well.

UNICEF is also a valued CIDA partner. Contrary to what has been claimed by some, UNICEF has informed us that they do not sell nets in Ethiopia. CIDA has provided UNICEF with \$12.5 million for malaria activities. Through this funding, 1.5 million free bed nets will be delivered.

We can all take pride in the fact that Canada's support for these malaria prevention programs in Africa are expected to save as many as 75,000 lives, as well as helping an even larger number maintain their health so they can work or go to school.

It is important to note that Canada's support to malaria programs is not limited to these activities. For example, Canada has recently increased funding to the Global Fund to Fight AIDS, TB and Malaria with a current annual commitment that stands at \$125 million per year, up from an average of \$60 million per year since 2002. The Global Fund commits approximately a quarter of its funding to malaria activities.

[English]

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

Hon. Anne C. Cools: Honourable senators, I rise to speak to second reading of Bill S-4, which claims legal authority of the Constitution Act, 1982, section 44.

Bill S-4 proposes to alter the tenure for senators from life tenure to an eight-year term. Neither the 1867 nor the 1982 constitution acts contain any legal authority whatsoever for Parliament to adopt Bill S-4. In fact, both acts prohibit it.

Honourable senators, I support genuine change and real reform, but I feel that I must assert that change must be executed within the law and within the Constitution. Bill S-4 is a corrupt use of section 44. Consequently, honourable senators, it is an outlaw. I would even go on to describe it as "constitutional vandalism."

Honourable senators, Canada's Constitution, the British North America Act, 1867, began as the 72 resolutions agreed by the delegates, our Fathers of Confederation, at the Quebec Conference on October 10, 1864. This act represented the evolutionary planting of the British Constitution in the new Confederation, Canada.

In 1864, the United States federation difficulties and its resulting civil war were top-of-mind for the Canadian fathers. John A. Macdonald, a seasoned constitutionalist, like many of the fathers, had studied the American constitutional framers, particularly Alexander Hamilton, who of all the American revolutionaries was the most attached to British constitutional principles. Post-revolution, he was a defender of besieged loyalists.

Macdonald had studied James Madison's *Debates in the Federal Convention of 1787*, which included Hamilton's *Draft of a Constitution for the United States*. Separated by time, history and geography, Macdonald and Hamilton had a unity of thought.

Macdonald's copy of Madison's volume, with Macdonald's own personal notations, came into the hands of Canada's scholar, William B. Munro, who used it for his 1929 book *American Influences on Canadian Government*. Munro writes about the four provisions of Hamilton's *Draft*, which entered Canada's Constitution. He wrote:

All these provisions, rejected by the Philadelphia Convention in spite of Hamilton's urging, went into the Quebec Resolutions at Macdonald's insistence. If Macdonald is entitled to be called the "Father of the

Canadian Constitution", it would appear that Alexander Hamilton has some claim to be designated as its grandfather.

Another Canadian scholar, Arthur Lower, mentioned this in his essay, *Theories of Canadian Federalism*, in the 1958 book, *Evolving Canadian Federalism*.

• (1445)

Lower wrote:

The effect of the combination of Macdonald's own cast of mind with Hamiltonian views is written all over the B.N.A. Act. Several of the distinctive features of Hamilton's rejected constitutional scheme were taken over by the Quebec Convention, almost certainly under Macdonald's influence, and later embodied in the B.N.A. Act.

Honourable senators, Alexander Hamilton, in his *Draft of a Constitution for the United States*, had proposed four ideas adopted in Canada's constitution. The one most relevant to this debate was life tenure for senators, though elected. Senators elected, but serving for life. It was a very interesting proposition.

Hamilton's Article III, section 6, of his draft states:

The Senators shall hold their places during good behaviour, removable only by conviction on impeachment for some crime or misdemeanor.

Significantly, Macdonald's Quebec Resolution number 11 stated, in part:

The Members of the Legislative Council shall be appointed by the Crown under the Great Seal . . . and shall hold Office during Life; . . .

Honourable senators, I note the unity of law between Hamilton's words "hold their places during good behaviour" and Macdonald's words "shall hold office during life." Both employed the feudal law of estate for life in office qualified by good conduct. Interestingly enough, as enacted in 1867, the B.N.A. Act, section 29, which Bill S-4 purports to amend, read:

A Senator shall, subject to the Provisions of this Act, hold his Place in the Senate for Life.

Honourable senators, hold on to the word "hold."

On February 6, 1865, Attorney-General West John A. Macdonald began the Confederation debates in the Legislative Assembly of the United Province of Canada. He moved the resolution:

That an humble Address be presented to Her Majesty, praying that She may be graciously pleased to cause a measure to be submitted to the Imperial Parliament, for the purposes of uniting the Colonies of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, in one Government, with provisions based on certain Resolutions, which were adopted at a Conference of Delegates from the said Colonies, held at the city of Quebec, on the 10th October, 1864.

Honourable senators, John A. Macdonald gave an instructive account of the 72 Quebec resolutions, of the fathers' agreement to them and of the law founding them. Honourable senators, Macdonald, who had personally authored 50 of these 72 resolutions, told of the delegates' design for the parliament of the new confederation. Recorded in the *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, he said:

The legislature of British North America will be composed of King, Lords, and Commons. The Legislative Council will stand in the same relation to the Lower House, as the House of Lords to the House of Commons in England . . .

He told the assembly that the Quebec delegates had rejected an elected upper house and had chosen one nominated by the Queen. He said:

And nomination by the Crown is of course the system which is most in accordance with the British Constitution. We resolved then, that the constitution of the Upper House should be in accordance with the British system as nearly as circumstances would allow. An hereditary Upper House is impracticable in this young country. . . . The only mode of adapting the English system to the Upper House, is by conferring the power of appointment on the Crown (as the English peers are appointed), but that the appointments should be for life.

Honourable senators, let us understand clearly that Macdonald said that Canada's upper house adapted from the British constitution and the House of Lords would be achieved — and I would ask honourable senators to hold on to this — by the ancient law of estate for life in office, created by Her Majesty's royal grant by letters patent, called tenure for life. The fathers chose the law of tenure for life and appointment by Her Majesty as the cornerstone of the new confederation and its new constitution, the B.N.A. Act, particularly its Part IV, entitled "Legislative Power," being sections 17 to 57 of the Act. About the law of tenure, the law of estate for life and their legal effect, *Jowitt's Dictionary of English Law*, 1977, states:

Tenure in a general sense is a mode of holding or occupying; thus we speak of the tenure of an office, meaning the manner in which it is held, especially with regard to time (tenure for life, tenure during good behaviour), and of tenure of land in the sense of occupation or tenancy . . .

In its more technical sense, tenure signifies the mode in which all land in England is theoretically owned and occupied. The rule is that only the Crown can be the absolute owner of land in England . . . that is, every person who is possessed of land is theoretically merely a tenant and owes obligations in respect of it either to the Crown or to an intermediate lord. The manner of his possession is called tenure, and the extent of his interest is called an estate.

An estate for life in the Senate.

• (1450)

By the law of property, life tenure in this Senate is based on the ancient feudal tenurial relationship; that obtained between king and subject vassals as tenants "holding of the king," which was

characterized by fidelity, duties and proper demeanour. Forfeiture of the holding was a necessary consequence that attended a serious breach of the relationship. Such a breach was a "felony." As we look at section 31.(4) and felony, we understand that the Constitution works like a unity.

Honourable senators, this law of the Royal grant of an estate for life in an office to a person treated the office as though it were a parcel of land, a piece of real property, real estate, a freehold in the office. The grantee, the office holder, could not easily be dispossessed of the office because he held a life estate and a freehold in it. Consequently, the grantee held the office for life so long as he observed its conditions and performed its functions and duties. In his 1820 book, *A Treatise on the Law of the Prerogatives of the Crown; and Relative Duties and Rights of the Subject*, Joseph Chitty says at pages 84-85:

The grant of an office should regularly be under the great seal. No investiture, or ceremony, is in general necessary to perfect the grantee's title to the office, which becomes vested in him merely by the grant; though such grant may be rendered ineffectual by neglect of the party to take the various oaths before alluded to.

Chitty continued:

. . . that as they are constituted for the public weal it is expedient that they should be properly executed. On this principle a condition is tacitly and peremptorily engrafted by law on the grant of all offices, that they be executed by the grantee faithfully, properly, and diligently: on breach of which condition the office is forfeited or liable to be seized. This principle has ever been admitted: the difficulty has arisen in the application of it.

Honourable senators, the ancient law of estate in office is no mere antiquarian or vestigial curiosity. It is a fundamental characteristic of our two Constitution Acts, 1867 and 1982, and of the Parliament of Canada. To expel this from our Constitution is to expel the British Constitution from Canada. Macdonald said early on that this would be the way to allow the British system to be adapted here.

Honourable senators, for reasons unrelated to feudal needs and conditions, life estate in office was adapted in Britain in the 18th century for superior court judges to secure a particular constitutional position for them that included judicial independence. This did not apply in Canada, a constitutional deficiency that caused much unrest in Upper Canada. Lord Durham dealt with this in his report. This British constitutional position was fully clarified and adopted by the BNA Act, 1867 for superior court judges and for senators. The conditions for judges were during good behaviour, removable on address, and for senators, the conditions were loyal service subject to disqualification by senators per section 31, BNA Act, 1867. The estate for life placed senators in a similar, yet superior, constitutional position to the judges. This sound constitutional footing was independence. Its other purpose was to foster constitutional comity. The judiciary, Parliament and cabinet are coordinate constitutional institutions whose jealous relationships are governed by comity. Blackstone calls this the balance of the Constitution, which is what Bill S-4 proposes to do away with. In

Canada, life tenure was key to institutional independence and to the proper balance of the Constitution and the sovereignty of Parliament.

Honourable senators, another reason for life tenure and the similar constitutional position of senators and judges was section 18 of the BNA Act. Section 18 and section 17 had contemplated that Canada, like the UK, would constitute a Canadian appellate jurisdiction in the Senate similar in principle to, but not the same as, the British appellate jurisdiction in the House of Lords. Mindful of protecting the position of the Lords' Judicial Committee of the Privy Council as a final court of appeal for all the Empire's colonies, the imperial Parliament in section 18 insured that any Senate of appellate jurisdiction would be subordinate to the Judicial Committee of the Privy Council. It limited the powers, privileges and immunities of the Senate to the British Commons House and not to the House of Lords, even though the Senate was patterned after the Lords.

Honourable senators, section 18 of the BNA Act, 1867 receives the ancient powers, privileges and immunities of the British Parliament. The law of Parliament, the *lex et consuetudo parlamenti* of the High Court of Parliament, governs all the business of Parliament, which includes the law of estate for life. That is why Parliament could create the Supreme Court of Canada in 1875.

Honourable senators, the powers of Parliament acting alone to amend the Constitution are limited. Bill S-4 applies section 44 of the Constitution Act, 1982, to amend section 29 and no other section of the Constitution Act, 1867. Section 44 states:

Subject to sections 41 and 42, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Honourable senators, the words of section 44 in their natural and proper extent apply to constitutional amendments that touch the Senate alone or that touch the House of Commons alone but not to amendments that touch the Senate and the House of Commons in their combined estates with Her Majesty as the one Parliament of Canada.

The Hon. the Speaker: I advise that the honourable senator's 15 minutes have elapsed.

Senator Cools: Honourable senators, may I have leave to continue?

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Senator Cools: Honourable senators, I ask for time to complete my remarks. The purpose of this place is to have debate. I do not know why we cannot have a few minutes of debate.

The Hon. the Speaker: Has the house unanimously agreed that Senator Cools has another five minutes?

Hon. Senators: Agreed.

Senator Cools: Yet, furtively Bill S-4 would amend the constitution of the Parliament of Canada, being Part IV of the BNA Act, titled the Legislative Power, by redefining the words "Senate" and "senator" to be a constitutional creature unknown to the BNA Act.

Honourable senators, sections 17 and 18 under Part IV — 10 sections before section 29 — introduce and define the constitutional meaning of the words "Senate" and "senator." Section 17 says:

There shall be One Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

By these sections a senator is a person individually constituted by Her Majesty's grant to hold an estate for life in the Parliament of Canada. The Senate is an aggregate of 105 such individual constitutions, vesting proprietary and possessory life estates in Parliament. Every section of the BNA Act that mentions the words "Senate," "senator" or "Parliament" means such a constituted individual and cannot mean a person appointed for a term of years, which is inconsistent with the monarchical structure of the BNA Act. Bill S-4 is a furtive amendment to the BNA Act, Part IV, Legislative Power, and the Constitution of the Parliament of Canada. It would be a major and profound change to our constitutional regime.

• (1500)

The Queen, too, is a senator and a member of Parliament with a life estate. She is the *caput, principium, et finis*, meaning the head, beginning and the end. This is the power, not the BNA Act, that constitutes senators.

Bill S-4 would also amend the Governor General's letters patent to constitute senators. Canada is a monarchy similar in principle to Britain. Bill S-4's proposals require the general amending formula of section 38 because it proposes to amend the fundamental features of the Queen in her Parliament of Canada.

Honourable senators, the fundamental and immutable characteristic of the British constitution, received into the Canada by the BNA Act, is the ancient pedigree of our liberties, closely linked with a hereditary monarchy, with its permanence and its stability.

The great parliamentarian Edmund Burke articulates the fundamental characteristics of the British constitution in his 1790 work *Reflections on the Revolution in France*, contained in *The Works of the Right Honourable Edmund Burke*. He said:

You will observe, that, from Magna Carta to the Declaration of Right, it has been the uniform policy of our Constitution to claim and assert our liberties as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity, as an estate specially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right. By this means our Constitution preserves a unity in so great a diversity of its parts. We have an inheritable crown, an inheritable peerage, and a House of Commons and a people inheriting privileges, franchises, and liberties from a long line of ancestors.

Honourable senators, the evolution of our Constitution and our country — which are outgrowths of the British constitution in the U.K. — follows a very clear and coherent path marked by precedents, principles and precepts. In claiming that Parliament alone can change so fundamental and so characteristic a part of our heritage and estate, as does Bill S-4, is to misread, misunderstand and misrepresent 1,000 years of constitutional evolution.

Honourable senators, there is a tendency in today's community — among governments, particularly — to conceal important constitutional notions from the public mind simply by never mentioning or raising them. I searched the proceedings of the Special Senate Committee on Senate Reform looking for references to the notion of estate for life in an office. I found not a single one. However, in this monarchical system, the monarch herself is constituted on such a basis, in a hereditary position.

Honourable senators, the constitution of the Senate is not like the constitution of the House of Commons, where there are places for members from different ridings. The membership and composition of the Senate is decided by personal constitution by Her Majesty. That is what the Senate is. The Senate is a collection of 105 individual constitutions of estate for life in the Parliament of Canada.

I thank honourable senators for last Thursday. I really wanted to speak in this debate and wished to complete my research. I ask senators to understand that much of this material has become arcane and cryptic; it has disappeared especially from the minds of lawyers. We are living in an era where lawyers have been leading in dismantling the principles and the law that has held the country together. This is a very interesting thing.

I went through all of the special committee's proceedings, one after the other, and I could find no reference to the fact that estate for life was the building block of the constitution of this Parliament. Sir John A. Macdonald said it himself; this was the only way that the British constitution could be transplanted into the new Confederation called Canada.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. David Tkachuk moved second reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

He said: Honourable senators, it seems that Bill C-9 will be a unique experience. It is one of the most anticipated bills for the side opposite in this session. They spent Question Periods begging for this legislation, accusing me and this side of foot-dragging.

Call it a little experiment. Bill S-4 has been initiated on this side and spoken to since May of 2006. The other side has been diligently contemplating an eight-year Senate term, has called witnesses, talked on the bill and on the committee report, willed all the intellect of 64 Liberal senators for nine months and has yet to decide on the principle of term limits let alone the subject matter of eight years. We thought perhaps you were overtaxed.

I was inspired by the Liberals on the debate of Bill S-4, appealing to the bipartisanship of this place, surveying a Senate that worked without rancour and with independence. My friends, the Liberals said, that is why an appointed Senate is such a great thing; all that corporate memory, accumulated wisdom because of our long tenure and, of course, independence because we do not have to face the nuisance of voters.

Senator Banks, in his speech on February 8, was, as they say, the icing on the cake. Full-blown rhetoric, challenging us to work together for our regions — regional caucuses — Liberals and Conservatives sitting side by side, united in regional unity. I was moved. I wept.

Amongst all this harmony, I was charged with Bill C-9, a justice bill on conditional sentencing. The Liberal critic on the other side is Senator Jaffer, who is a lawyer and for whom I have a lot of respect. I am hopeful she will be a full participant in improving this bill.

I do not particularly like this bill. It falls short of its promise and is a bill my honourable friends should not like either. There is no question that most of us here agree with the principle of conditional sentencing. It was the substance that eluded the members in the other place, who decided to deal with this bill with some rancour, rather than addressing the issues that were involved in Bill C-9.

The concept of conditional sentencing was introduced by Minister Allan Rock to clarify the government's position on who should be introduced to the wonderful facilities of jail and who might be given a reprieve with conditions attached to it.

• (1510)

I believe Minister Rock thought that judges should be given some direction on this issue because parole was the only alternative outside of jail. His Bill C-41 introduced 20 September 1994, sought to do just that. Bill C-41 sought to provide judges with the necessary means to issue a conditional sentence. The bill sought to allow for community service,

restitution, or some other creative sentence that would keep an offender out of jail. It would keep an offender out of jail who might not benefit from incarceration and that the judge believed had a good chance of not reoffending.

I want to take you back to 20 September 1994 to the words of Allan Rock, who introduced conditional sentencing into the Criminal Code. During Mr. Rock's speech at the time of second reading of September 20, he said:

Parliament stresses the need to punish certain types of behaviour by clearly stating that the purpose of sentencing must be to denounce unlawful conduct, to deter offenders and other persons from committing crimes and to separate offenders from society were necessary.

Mr. Rock went on to say:

Incarceration must remain an option for offenders who need this form of punishment and must be separated from society to ensure the safety of the population. . . . jails should be reserved for those who should be there.

The point of Bill C-41 was to create an alternative for those who pose no danger to society and for whom the Criminal Code provided little or no options short of jail.

If you will bear with me, let me relate to you what the Justice Minister at the time had to say about those alternatives as they applied to conditional sentencing. Mr. Rock explained that under Bill C-41:

Where a court imposes a sentence of imprisonment of less than two years and where the court is satisfied that serving the sentence in the community would not endanger the safety of society as a whole, the court may order that the offender serve the sentence in the community rather than in an institution.

That was his intent and that was the intent of the government at the time. I have no argument with this, although I am growing weary of quoting a Liberal at such length.

As I stated at the outset of my remarks, the difference between our sides over conditional sentencing is not one of intention. The problems that have arisen over conditional sentencing are how the courts have interpreted when, how and upon whom those sentences should be visited. The problem with Bill C-41 was that it left the courts the wiggle room to do this.

Section 742.1 of the Criminal Code identifies the following prerequisites necessary for consideration of a conditional sentence: the sentence must be less than two years; the court must be satisfied that allowing the offender to serve the sentence of imprisonment in the community will not endanger the safety of the community; the offence must not be punishable by a mandatory minimum term of imprisonment; and the court is satisfied that sentencing the offender to serve a conditional sentence of imprisonment is consistent with the fundamental purpose and principles of sentencing set out in the Criminal Code.

Bill C-41 also established the fundamental principle of sentencing: A sentence must be proportionate to the gravity

of the offence and the degree of responsibility of the offender." This has been called the principle of proportionality. As we have seen over the years since Bill C-41 came into force, this principle has become, in some instances, completely out of whack.

Many, including some of the provinces and territories, have become increasingly concerned with the wide array of offences that resulted in conditional sentences of imprisonment. It was felt that this was contributing to a loss of public confidence in the sanction and in the administration of justice.

Let me give you a few examples of conditional sentencing run amuck; a few of which my colleagues in the House have referred to.

A few years ago in Langley, British Columbia, a man sexually assaulted two young girls. Rather than being sent to jail, he was sentenced to house arrest. He received a conditional sentence for a violent and vicious crime. His victims, far from being protected or separated by this man from the courts, lived on either side of him.

A few years before that, a Manitoba Court of Appeal overturned a two-year sentence for a man convicted of dangerous driving, which resulted in the deaths of two women. The hope would be that he would be given a longer sentence. No, instead the court ordered house arrest.

In 2002, a man in Nova Scotia beat his common-law wife in a drunken rage using a clothes iron and wine bottle as weapons. Why? Because, according to her, she had not shown enough appreciation for his painting job on the house. What sentence did the judge give him? The man received a conditional sentence consisting of house arrest, reporting, abstinence from alcohol and counselling. This was in spite of the fact that in 1997 the same man had been convicted of beating the same woman in the face with an axe handle. The sentence that man received was a conditional sentence followed by probation. I guess the thinking here is that if the conditional sentence does not work in the first place, maybe we should try it again.

Where did things go awry? It did not help that in 2000 in the case of *Regina vs. Proulx*, the Supreme Court of Canada held the conditional sentencing regime does not exclude any category of offences other than those with a minimum period of incarceration, nor, is there a presumption for or against the use of conditional sentencing for any category of offence. However, the court said that it was open to Parliament to introduce such limitations.

Honourable senators, Bill C-9 was tabled on 4 May 2006 in order to meet what some might call this invitation by the Supreme Court, but what I consider an obligation of parliamentarians. It is no different from what Allan Rock intended through Bill C-41 and, in fact, when passed it will bring us full circle. As amended, Bill C-9 is strikingly similar to Bill C-70 tabled by the Liberal government in October 2005 as Bill C-70. Like Bill C-70, Bill C-9 includes an amendment to the Criminal Code to create a prohibition that courts shall not make conditional sentence orders when sentencing offenders convicted of serious personal injury, offences, terrorism offences or criminal organization offences.

Now, this is a departure from what the new Conservative government originally proposed. Bill C-9 as tabled in the House in May last year proposed a new criteria that would have eliminated the availability of a conditional sentence for offences punishable by a maximum sentence of 10 years or more and prosecuted by indictment. This would have caught offences in the Criminal Code as well as offences in the Controlled Drugs and Substance Act.

The Standing Committee on Justice and Legal Affairs amended the bill and the one that we have before us is of narrower scope. It only captures terrorism offences, organized crime offences and serious personal injury offences, defined in section 752 of the Criminal Code. These crimes are punishable by a maximum sentence of 10 years or more and prosecuted by indictment.

These new limitations would be added to the four existing prerequisites that I mentioned earlier. As it stands, the bill will significantly restrict the availability of conditional sentences though not to the same extent as it did when originally tabled in the House of Commons. Still, it is an improvement over the old regime. For instance, sexual assault, sexual assault with a weapon, and aggravated sexual assault are all eligible for conditional sentencing under existing law. With the inclusion of serious personal injury offences in Bill C-9, that will no longer be the case. It is these sexual offences that often attract the public's and the media's attention when they are punished only by house arrest.

• (1520)

The government actually committed to end the use of house arrest or conditional sentences for serious crimes, including designated violent and serious offences, weapons offences, major drug offences, crimes committed against children, and impaired driving causing death or bodily injury.

Bill C-9 introduced the criterion: indictable offences that were punishable by a maximum penalty of imprisonment for 10 years or more would not be eligible for conditional sentencing.

The opposition in the other place believed the addition was too broad in scope and caught offenders whom they believed should qualify for conditional sentences. They amended the fifth criterion to make the following crimes ineligible for conditional sentencing. Honourable senators, I shall repeat them: serious personal injury offences, terrorism offences, criminal organization offences prosecuted by indictment where the maximum sentence is at least 10 years' imprisonment.

The 752 definition, for example, of personal injury offences does not provide the same degree of certainty as to which other offences it would prohibit from receiving a conditional sentence. Section 752 and the concept of whether an offender has committed a serious personal injury offence is the first of a two-step process that can result in an offender being declared either a dangerous offender and jailed indefinitely or a long-term offender and subject to supervision following release. In both cases, the second prong of the test is the determination of whether there is substantial risk that the offender will reoffend.

The use of this section without some clarity will open up the question of whether the offence is one that qualifies for a conditional sentence or not. As something that can not be

answered with certainty, it is something that one can expect will be litigated, much like the current jurisprudence on section 752. In these circumstances, one might anticipate that the evidence of the victim would be required to establish the severity of the injuries sustained, to determine if the offence did in fact constitute a serious personal injury offence. Honourable senators, this could mean that there is a real risk victims would be revictimized through having to testify for sentencing hearings where the defence was seeking a conditional sentence.

While the opposition believes that Bill C-9 as introduced — that is, the opposition in the other place — was too wide in scope, I believe their amendments are still too narrow in scope and need clarity.

Honourable senators, this is where we come in — and why I made the comments I did in my opening remarks. Members opposite either believe that the Senate is a place where we can, from time to time, put aside our differences and work for the common good or that we are actually just kidding. Honourable senators, I am in your hands today. We can provide some certainty within the bill before us today by adding a very simple amendment. The amendment, if my colleagues are so inclined, would be to simply list 10 or 15 offences. There are many more, but these offences can be studied in committee. The committee can decide where it wants to clarify the last part of that section, to ensure that certain offences are not be eligible for conditional sentences — and I am going to list a couple that are in doubt now.

The list could include, but is not limited to: incest, procuring, impaired driving constituting bodily harm, death, assault causing bodily harm, trafficking in persons, and kidnapping or abduction of persons under 14. As Bill C-9 is currently before us, there will be some question as to whether these offences are eligible for a conditional sentence. I believe they are.

Again, at the very least, let us contemplate providing a degree of certainty that these types of offences will not get a conditional sentence. That is our challenge, honourable senators. If we can agree on some common matters to clarify, we should. If members opposite believe the bill as presently stated serves the intended purposes, then we have little to talk about and we can adopt the bill and move on.

I shall anxiously await the speech of the responder on how she would like to see us proceed. Considering the impatience on the other side to see this bill brought forward, I assume we will hear from her either today or tomorrow as to what she would like to see in this bill.

Hon. Senators: Hear, hear!

Hon. Lowell Murray: Will the honourable senator permit a question?

Senator Tkachuk: Yes, I would.

Senator Murray: I followed with interest the honourable senator's recitation of cases in which conditional sentences and, in particular, house arrest had been imposed. I also have followed in the last few days in the media comments by the former Chief Justice of Canada, the Right Honourable Antonio Lamer, indicating his dismay about the length of sentences that had been imposed in certain cases.

In regard to the particular cases cited by the honourable senator, on the face of it, of course, the imposition of a conditional sentence, given the facts that he has placed before us, seems inexplicable. However, does he not agree that, to complete the record, we would be better off to have before us the reasons the various judges gave for imposing conditional sentences in those cases? My impression is that judges do not simply impose a sentence, whether conditional or otherwise, without giving fairly detailed reasons as to why they are imposing a sentence of a certain length or a conditional sentence or whatever.

Does Senator Tkachuk know the reasons given by judges in the cases he cited? Can the honourable senator enlighten us on this? In order to judge the matter, in order to make a better assessment of the matter, should we not obtain the reasons for these particular sentences in those particular cases?

Senator Tkachuk: I cannot give the honourable senator the judges' reasons. I can only give him the results of what they did. Certainly, in committee, members can ask all the questions they want and study the specifics of why the people in question in the cases cited were given conditional sentences.

My point here, and the objective of my speech, is that I think we all agree on the principle of the bill. I do not think anybody here is opposed to the concept of conditional sentencing as proposed by Allan Rock in 1994.

The problem has been that the judges have misinterpreted — and I think the Liberal government thought they misinterpreted, which is why they brought in Bill C-70, and certainly we thought the judges misinterpreted the intent of the people, which is us, members of Parliament. Hence, we have an obligation to determine the validity of the arguments taking place now in Justice and in the legal community about whether these crimes are left out by the amendments put forward in the House — and there is a discussion and dispute as to whether conditional sentences would apply. If there is doubt, senators have an obligation to nail it down and give specific direction to judges and not complain afterwards about what the judges have done.

Senator Murray: Would the honourable senator agree with me that progressively removing discretion from the judges in matters of sentencing will mean that Canada's new government will not have to worry about appointing like-minded judges to the bench?

• (1530)

Senator Tkachuk: I will not answer that question.

On motion of Senator Jaffer, debate adjourned.

INCOME TAX ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-215, to amend the Income Tax Act in order to provide tax relief.—(Honourable Senator Tardif)

The Hon. the Speaker: Honourable senators, I advise the house that if Senator Austin speaks now, it will have the effect of closing debate.

Hon. Jack Austin: Honourable senators, to begin, I want to thank Senator Angus, Senator Tkachuk and Senator Oliver for their contributions to the debate that Bill S-215 initiated. Their duty is to defend the Conservative government in any way they can, even if they are not supplied with a substantive case.

I also want to thank Senator Eggleton for his comments in support of this proposed legislation. He addressed us on the substantive issues here on June 13 last.

The first Conservative budget of the Harper government was brought down by the Minister of Finance, Jim Flaherty, on May 2, 2006. According to *The Globe and Mail* on May 3 2006:

Business groups said Finance Minister Jim Flaherty's first budget was the most important for economic growth since 2000, when then Finance Minister Paul Martin used a burgeoning surplus to unveil a schedule for \$100 billion in tax cuts over five years.

Economists since have credited Martin's tax cuts in 2000 with saving Canada from a recessionary drop which the United States, with difficulty, struggled through at that time.

For the important business community, that budget was, to quote the economic bulletin put out by the Bank of Montreal, "mildly stimulative." Overall cuts to corporate taxes were called by business leaders a "step in the right direction."

Honourable senators, I have no quarrel with affordable tax relief for the corporate sector, which I believe must be encouraged to enhance Canada's economic productivity and prosperity through research, innovation and entrepreneurial success. To attract investment in economic renewal, we must be tax competitive with our competitors, taking all factors, including employment insurance and health care services, into account.

During the last election campaign, the Harper Conservatives pledged to spend \$30 billion over five years. They also promised \$44 billion in tax cuts over the same period. Even during that campaign, any observer of Canadian fiscal affairs would recognize that such cuts would require substantial reductions to virtually the entire spectrum of social, cultural and economic programs. In addition, since Canada's new government has taken office, many thousands of Canadians, mainly in the two lower quartiles of society, have seen their personal security and quality of life undermined. Need I mention what impact the cuts have had to Canada's literary programs, to court challenge programs, to the Law Reform Commission and to women's advocacy?

Let me note, especially, the extensive cuts by Canada's new government of \$5 billion in Liberal environmental programs put in place to control and reduce greenhouse gas emissions. I note also the cancellation of the Kelowna agreement, \$5 billion set aside to help Aboriginal people, and most Canadians are already aware of the termination of the \$5 billion put in place by the Martin government to build a national daycare system.

Honourable senators, with every budget we ask, who are the winners and losers? Individual Canadians trying to pay a mortgage, educate their children and save for their retirement years are the losers in Minister Flaherty's budget. To carry out their tax reduction plans and the provincial transfers of benefits to higher income Canadians, who have never been more prosperous than under previous Liberal fiscal management, the Conservative budget promised that they would reduce spending by the federal government by \$22.5 billion over five years. Guess who pays? As I have said, social programs, cultural programs, environmental programs — in other words, ordinary Canadians.

Honourable senators, Bill S-215 is designed to protect Canada's lower personal income tax commitment made in Finance Minister Ralph Goodale's budget of November 2005. In that budget, he lowered the basic personal amount to 15 per cent as set out in the Ways and Means motion introduced into the House of Commons at that time. By long-standing convention, tax proposals so introduced stand as valid from the moment of the Ways and Means motion. Therefore, at the time of the May 2, 2006 budget, the effective basic personal amount applied by Revenue Canada for the 2006 tax year was 15 percent.

What Finance Minister Flaherty introduced in his budget was a reduction in the goods and services tax to 6 per cent from 7 per cent, but to pay for it, a raise in the basic personal tax bracket to 15.5 per cent from 15 per cent. Whichever way one tries to look at it, it rolled back on half of Ralph Goodale's tax cut. Andrew Jackson of the Canadian Labour Congress said at the time that Flaherty reduced the average worker's weekly take-home pay by about \$4.

Of course, Finance Minister Flaherty, for reasons of political presentation, argues that he had in fact cut the basic personal tax by 0.5 per cent, from 16 per cent to 15.5 percent, because the Goodale budget had never been formally legislated into law. Honourable senators know that parliamentary convention, long established in Westminster and equally a part of our conventions, is given the force of law.

Andrew Coyne in the *National Post* of May 3, 2006, a paper usually embedded in the Conservative party line, is quoted on page 6 as saying:

But it takes quite remarkable liberties with the language to pretend that a rise in the bottom rate of income tax, from 15 per cent on June 30 to 15.5 per cent on July 1, is actually a tax cut.

He goes on:

Why can't they afford to cut your income taxes? Because the money's already been committed — to the provinces, to the lucky beneficiaries of the "targeted tax measures," and of course, to cutting the GST. This is the single worst wrong turn in the budget . . .

Where Andrew Coyne hurts my sensitivities in that article is where he says:

This is a budget any Liberal finance minister could have brought down.

Honourable senators, that is a low blow indeed.

Let me turn again to the *National Post* on Thursday, May 4, 2006, a column by a well-known Conservative economist Terence Corcoran. He wrote:

The image of Finance Minister Jim Flaherty as master tax cutter turns out to be the easiest to dispel, especially in view of the evidence yesterday that the government and/or Mr. Flaherty, actually quashed real tax cuts in favour of the rash of fake tax cuts and new spending he actually announced.

As well:

The second option would have had Mr. Flaherty read a sentence that said the government was "permanently reducing the bottom three personal income tax rates" and "increasing the amount you can earn at these lower rates." Now that's real tax cutting that delivers the kind of tax policy so-called conservatives allegedly endorse.

• (1540)

That is real tax cutting that delivers the kind of tax policy so-called Conservatives allegedly endorsed.

To conclude my brief remarks, which I make in addition to the detailed comments in my speech of May 30, 2006, to open second reading debate, the issues regarding personal income tax strategy in the Flaherty budget, the impact of the 1 per cent GST reduction instead of an across-the-board personal tax reduction for which Mr. Corcoran argues, and the impact of the government's fiscal and spending cut decisions and resulting tax policy decisions deserve to be given close examination in committee.

The principle of this bill is that the Martin government's tax reduction to a basic personal rate of 15 per cent should be maintained and implemented. Those who might think to vote against second reading approval of this bill will in fact be voting in principle for an increase in the personal tax rate.

I call the question, Your Honour.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Austin, bill referred to the Standing Senate Committee on National Finance.

MEDICAL DEVICES REGISTRY BILL

SECOND READING—SPEAKER'S RULING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Keon, for the second reading of Bill S-221, to establish and maintain a national registry of medical devices.
—(Speaker's ruling)

The Hon. the Speaker: Honourable senators, I have a ruling on this matter. On January 30, when the Senate resumed consideration of second reading of Bill S-221, an act to establish and maintain a national registry of medical devices, Senator Comeau raised a point of order. He questioned whether it was appropriate that the bill originate in the Senate.

Bill S-221 provides that the Minister of Health shall designate a registrar of medical devices and that this person shall maintain a registry. Senator Comeau contended that the bill would require that additional expenses be incurred and that it must, therefore, involve an appropriation of public funds. What follows from such a finding, he argued, is that Bill S-221 then requires a Royal Recommendation and must originate in the other place.

[Translation]

Senator Comeau pointed out that, under clause 4 of the bill, the registry would be distinct from the department's regular activities and require a separate operating budget. He then drew the senators' attention to the 23rd edition of *Erskine May*, at page 886, which reads:

[English]

When a bill contains a provision extending the purposes of expenditure already authorized by statute (for example, by adding to the functions of an existing government agency or publicly funded body, extending the classes of persons entitled to a statutory grant or allowance, or extending the range of circumstances in which such grants or allowances are payable), that provision will normally require authorization by Money resolution.

[Translation]

On the basis of the reasoning found in *Erskine May*, Senator Comeau concluded that receiving Bill S-221 in the Senate would offend sections 53 and 54 of the *Constitution Act, 1867* and rule 81 of the Senate.

Sections 53 and 54 of the *Constitution Act, 1867*, provide:

53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

54. It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first

recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed.

Senate rule 81 stipulates:

The Senate shall not proceed upon a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative.

[English]

Three other senators offered their contributions to this debate. Senator Carstairs expressed the view that, "It is not the purpose of this bill to spend money, therefore, it is not, by definition, a money bill." Support for Senator Carstairs' opinion came from Senator Fraser. She noted that almost all legislation may have monetary implications, without its main purpose being to spend money. In her comments, Senator Fraser suggested that a bill that does not set out to change the budgetary situation or budgetary policy of the government and that does not affect taxes is not a money bill, even if its ancillary effect is the spending of some money.

The sponsor of the bill, Senator Harb, began by expressing his agreement with the comments of Senators Carstairs and Fraser, and went on to deal specifically with the notion of Bill S-221 as a money bill. He pointed out that regulations under the bill could conceivably impose a fee on those who use the registry, and this could result in the initiative being revenue neutral or even generating revenues for the Crown. Significantly, Senator Harb also pointed out that the Auditor General's report acknowledged the existence of an inspection strategy at Health Canada, although it recommended the elaboration of this strategy.

[Translation]

I would like to express my appreciation to those honourable Senators who offered their contributions to the discussion on this point of order. I have had an opportunity to consult the authorities and am prepared to make my ruling.

The issue with respect to the introduction of Bill S-221 in the Senate is whether the provisions of this bill appropriate "any part of the public revenue or impose any tax or impost", as set out in section 53 of the *Constitution Act, 1867*. It is very difficult to ascertain, without extensive evidence and based purely on the provisions of a bill, what the financial implications of its enactment might be. Moreover, as Speaker, I am obliged to avoid ruling on questions of law. As Speaker Molgat noted in his ruling of April 2, 1998, in the case of Bill S-13, the Tobacco Industry Responsibility Act:

[English]

The . . . question . . . has to do with whether or not the levy scheme established through this bill constitutes a tax. In answering this question, I am constrained by the rule that the Speaker does not rule on questions of law. Citation 168(5) of *Beauchesne* states that "The Speaker will not give a decision upon a constitutional question nor decide a question of law, though the same may be raised on a point of order or a question of privilege."

What is in my authority, however, is the examination of the bill in order to assess what it declares itself to be.

I was persuaded by the logic of Speaker Molgat's remarks and examined Bill S-221 to see what, on the face of it, the bill "declares itself to be."

• (1550)

In considering this question, I was guided by Speaker Molgat's decision on Bill S-12, the First Nations Government Act, rendered on February 4, 1997, and directly on the point with the current case:

I have carefully reviewed Bill S-12... and I have been unable to find any provision that clearly appropriates money from the Consolidated Revenue Fund. Moreover, while Senator Stanbury indicated that clauses 16 to 27 might possibly involve an expenditure by the government, it is not certain whether these anticipated operations would be funded by a new appropriation which would require a royal recommendation or by existing allocations established through previous legislation. Nor is there any language in the bill that effectively imposes any perceived appropriation. Yet these are the conditions to be satisfied when considering whether a royal recommendation should be attached to the bill... Without sufficient evidence that Bill S-12 as drafted provides for an appropriation or creates a new charge, I have no authority to prevent debate on it.

[Translation]

With respect to the present situation, no part of Bill S-221 discusses an appropriation of the public revenue, or the levying of any tax or impost. What it does do is create a new registry, staffed by a registrar who is to be a person already employed by the department. Are there expenditures involved with this process? Almost certainly. Whether these expenditures are new, however, is less certain. Under the Department of Health Act, the "powers, duties, and functions of the Minister", already include "the establishment and control of safety standards and safety information requirements for consumer products"; this function appears to cover the same type of activity contemplated by Bill S-221. In addition, as I mentioned earlier, the Auditor General's report confirmed the existence of an inspection strategy, which obviously has had funds granted to it. This current initiative may well be construed as an elaboration of the existing system.

[English]

Certainly it can be argued that the fact that this is an originating bill — as opposed to an amending bill — might increase the possibility of new spending, but I do not believe that such is necessarily the case. Rather, it is equally plausible that the bill will require that an existing function be carried out in a new way. Consequently, it is not certain that this bill adds to the functions of an existing government agency as set out in the *Erskine May* test.

[Translation]

Senator Harb offered the possibility that this bill, through its authorization of regulations, might impose fees that could effectively raise enough funds to pay for the registry it creates. Admittedly, this talk of potential fees put forward by Senator Harb is speculative. Suggestions to the contrary on my part,

however, would be equally speculative. It is not my place as Speaker to conjecture, but rather to do my utmost to maintain the role of the Senate, so long as it involves no trespass on the privileges of the other place or on the financial initiative of the Crown. Once again, I find compelling the comments of Speaker Molgat when ruling on Bill S-13:

[English]

Let me begin with this general proposition. It is my view that matters are presumed to be in order, except where the contrary is clearly established to be the case. This presumption suggests to me that the best policy for a Speaker is to interpret the rules in favour of debate by Senators, except where a matter to be debated is clearly out of order.

I am similarly persuaded by the common sense argument that it could certainly not be intended that every bill that has any monetary implications whatsoever must be introduced first in the other place. Such an interpretation would greatly impede the power of the Senate to initiate legislation. For this reason, and those that I have previously stated, I find that Bill S-221 is properly before the Senate and that debate on second reading may proceed.

On motion of Senator Keon, debate adjourned.

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Grant Mitchell moved second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(*Honourable Senator Mitchell*)

He said: Honourable senators, it is a great privilege for me to be able to initiate debate in the Senate on this bill and to move its second reading. I take this responsibility to be the sponsor of the bill in the Senate with a great deal of humility, and I sense that it is a great responsibility.

I think and I hope that we are in this Parliament and in this country beyond the point where there is some question about whether or not climate change is occurring, and I hope as well that we are beyond the point where some believe, given any credibility whatsoever, that climate change is not driven by man-made or person-made greenhouse gas emissions.

The debate must simply progress past that. I do not want to spend a lot of time, therefore, listing the consequences of a policy or a lack of policy that would see us fall short of what we need to do on climate change, specifically to fall short of what we need to do as responsible signatories to the Kyoto Protocol.

The fact is that our country, as are countries across the world, is in a great deal of jeopardy over what might occur or what will occur if we do not take concerted national and international action to stop this climate change evolution.

I note that even the Prime Minister — who as recently as several months ago, just before Christmas, was still using the dismissive term "so-called" when he referred to climate change or

greenhouse gases — has been quoted, as recently as last week, in fact February 16, as saying "... the science is clear that these changes are occurring, they're serious and we must act."

That statement might indicate two things — and one is less certain than the other. The statement may indicate that the Prime Minister actually believes that climate change is occurring, that he actually believes the science and is prepared to act. However, we have seen no evidence that he is prepared to act — quite the contrary, in fact. His predisposition from the moment he took over government was to — if I could coin the word — "disact." Prime Minister Harper actually dismissed Kyoto, dismissed the work completed by the previous government and cancelled program after program established by his own Treasury Board to be extremely cost-effective and extremely efficient and generally effective.

The second thing we know for sure that his statement underlines — this is a certainty — that climate change has become a political issue in this country. If for no other reason, the Prime Minister has jumped on this issue of climate change and Kyoto because it has become a political issue. It is clear now, over the last number of months, that the environment, climate change in particular, has risen to the number one issue in Canadians' minds.

• (1600)

Polls can be questionable at times, but I believe the polls are clear on this issue. Canadians are concerned about climate change, are concerned about Kyoto and Canada's role, in a way that they have not often, if ever, been concerned about an issue facing this country and the globe. I know that is the case because many Canadians have told me that; and I know doubly for sure because the Prime Minister is now saying that he thinks climate change is a problem and that he will act.

The Harper government was so wrong on this important political and substantive issue. In fact, climate change may be one of the most important issues, if not the most important issue, to face this country in the last 50 years, and the Harper government missed it. Having to come so far from behind, the government begins to create a political debate — and I will address this, to some extent, to dispel some of the many myths levelled by this government and spun in various ways through various media.

First is the idea that the Liberals had 13 years to do something but did nothing. Quite the contrary, honourable senators. As usual, the Harper government has its facts wrong. Liberals had about eight years. Kyoto was not approved until 1997 and was not finally ratified until 2005.

Stéphane Dion, the leader of the Liberal Party, was the Minister of the Environment for only the last year and a half of our government being in place. Two things are interesting. First of all, Mr. Dion brought out Project Green not eight months after he became Minister of the Environment. That plan was built upon a great deal of work by his predecessor, who consulted with businesses and the provinces, so that when the plan materialized, it would have some fundamental credibility. Stéphane Dion broadly consulted Canadians for a number of years to get to the point where the green plan could be put in place and be effective.

Those actions are in contrast to recent events by this government, where not only did the Prime Minister not consult Canadians, but he did not even consult his own caucus in a number of cases.

It was not as though those first six years, just about seven, — 1997 to 2004 — prior to Stéphane Dion becoming the Minister of the Environment, were wasted years; they were not. The Liberal green plan was a huge public policy initiative and it took great effort and concentration to ensure that it was structured properly. Stéphane Dion in eight months brought in Project Green. Was that green plan nothing, as this government would say? No.

What would lead this government to saying that the plan was nothing? The Harper government cancelled the Project Green initiatives, which were determined to be very efficient, far more efficient than the famous transit bus pass initiative. The new government had no basis upon which to make its assessment of these plans and to conclude that nothing was done. I had the opportunity to question in committee the former Minister of the Environment in the Harper government, Ms. Ambrose. She stated that the green plan was cancelled because it was inefficient. Any reasonable person would assume that there would be supporting data if a program were assessed as being inefficient. One would expect to have a study for that, but the only information received was gained under the Access to Privacy and Information Act and it was exactly the opposite — in other words, the programs were very efficient.

Ms. Ambrose's answer to me in a public forum was revealing. She began her answer in the standard Conservative way, that is, to attack, and one of her conclusions was that the Liberals had done nothing. She then finished her statements, and this probably contributed to the finishing of her career in that portfolio, by saying that "I have to tell you that there has not been a single review, not a single study, of any environmental program in this government ever." There was a huge thud.

How then would one conclude that those programs were inefficient? It is absolutely true that Ms. Ambrose said that. My response was as follows: "Thank you, my question is answered. You did not study it. You ideologically assumed you did not like these programs and cancelled them. Please tell me that do not run the rest of your public policy initiatives in this way, although there is plenty of evidence that in fact you do."

Let me give you the other side of the argument.

Project Green was put into place with a strong understanding and analysis that it would meet the 270 megatons of reductions of greenhouse gases that were required of Canada under the Kyoto Protocol by 2012. That plan has been subject to a great deal of discussion, debate and scrutiny, unlike the Conservative environmental policy, and what was the conclusion? Even one of the toughest-nosed analysts in this area, Mark Jaccard — who is well known for believing that we are not going to solve green-house gases by doing away with fossil fuels — has a huge degree of credibility and who has probably been an adviser to the Conservative government because he is so good, concluded that Project Green, brought out in April 2005, would result in about 175 megatons in reductions of greenhouse gases. That goes a long way towards 270 megatons. Jaccard is a harsh critic of these

programs and he discounts, almost entirely, subsidies for conservation because he believes they somehow do not work. He took subsidies out of the equation.

The Pembina Institute, based originally in my province of Alberta and which has huge credibility in both the business and environmental communities, said that it is likely that this program, as structured, would have achieved between 175 and 270 megatons in greenhouse gas reductions that were required.

Remember, this was just 2005. We still had three years to implement further programs, to make sure we got to 270 megatons, by the time the actual period of time started, 2008-2012. I do not want to hear ideologically based assessments by a government stating that these programs did not work — because it is absolutely misleading. Rona Ambrose, when she was Minister of the Environment, made that very clear in a very public environment.

Because this was such an important political issue and because the Liberals, under Stéphane Dion, were way out in front, the Harper government had to do something about discrediting it.

The new government also argues that somehow Bill C-288 is strategically a mistake for the Liberals. The press likes to spin this too, and somehow tries to put us into some kind of corner. This issue was going to be an issue in the next election whether or not Bill C-288 was promoted and passed. The fact is that the Conservatives are on this very sharp fence. On the one hand, they do not believe that climate change is taking place, but they do not see a way they could possibly address climate change without their policy hurting an economy; on the other hand, there is a strong body of evidence that we have to do something about it and that it does not have to be an economic drain.

Climate change will be an issue. The new government will have to fight this idea that it is all economy. In fact, the environment and the economy can converge in this particular place.

Let me put this bill into context; it was presented in March 2006 by Pablo Rodriguez in the other place. The new Harper government had cancelled the Liberal greenhouse gas programs. The Harper government had been very clear that they were not convinced that Kyoto was even a necessary initiative, let alone an achievable one. In fact, as recently as three months ago, the Prime Minister was still referring to “so-called greenhouse gases.”

• (1610)

They had proposed absolutely nothing of relevance to replace our climate change programs. Nothing was happening. Worse than nothing, they had dismissed these initiatives. Somehow, the people of Canada, the Liberals, all three opposition parties, had to get the government's attention. They had to elevate this to a level where the Prime Minister and his cohorts would finally accept that this was an issue, not only substantively but an issue that Canadians understood deeply had to be dealt with.

We developed that bill within that context. It has culminated in a clear statement. This government has to do something about Kyoto. They have to establish a plan, and they better get started because the Parliament of Canada is directing them to do so.

An important and interesting debate emerges out of this political issue, one that has percolated for a long time in the environmental policy area, and that is the relationship between the environment and the economy. One of the great frustrations I feel is that we have a government that is simply and utterly without imagination. They are stuck firmly in the past. They do not want to be pushed out of their comfort zone. They see the economy through 19th century and 20th century eyes, and we are now in the 21st century. We have to find a way to do the economy and the environment at the same time — to walk and chew gum at the same time.

In spite of the fact that the Prime Minister has made the statement that we need to act, the refrain from his own environment minister, Minister Baird, is that if we act in accordance with Kyoto, if we do what needs to be done to address climate change, our economy will collapse like Russia's economy. Again, are there any studies that would support that statement? Is there any evidence that Russia's economy collapsed because of environmental issues? It might actually, because they have a poor environmental record, but why are they driven to this conclusion, the right wing in particular, that somehow the environment, if done properly, needs to be a drain on the economy? I simply do not accept it.

Going back to World War II, in 1939, if the people could have imagined what it would take to win that war in Canada, and Canadians probably would not have imagined they could have done it, but they did it. It did not damage the economy. For the wrong reasons, unfortunately, it actually stimulated the economy and established a strong economy for decades to come.

Why can we not view environmental policy as a way of creating an economy of the future and stimulating an economy of the future? Yes, perhaps inappropriate environmental policy could damage an economy, but so can inappropriate economic policy. The trick is to figure out how to do it properly and to ensure that it not only does what needs to be done to meet environmental objectives and our role in the world and our responsibilities, but also to what needs to be done to stimulate the economy. There is plenty of evidence that there is not an inconsistency between strong environmental policy and strong economies.

Look at California, which has some of the strongest, toughest environmental standards in the North America and in the Western world. Is their economy damaged? Not particularly, I would say. In fact, California's Republican, right-wing governor is actually embracing even stronger environmental goals.

Look at Great Britain. Great Britain is a case in point of how a country does not have to hurt its economy and do more in achieving Kyoto than anybody imagined. Britain's objective under Kyoto is 12.5 per cent reduction of 1990 levels by 2010. As of last year about this time, they were already at 12.5 per cent. Today, they are at 15 per cent, and they are on for 23 per cent to 25 per cent below 1990 standards. Britain has past its environmental Kyoto goals. There are those who will immediately say yes, but they have a different economy than Canada. In the Canadian economy, of the greenhouse gases that are produced now, about 17 per cent are from coal-fired, electrical generation, and about 18 per cent are from upstream oil and gas. That is about 35 per cent. Do you know what portion of the British total greenhouse gas emissions are from the same

areas of the economy? The answer to that question is 30 per cent. It is not as though Britain has a fundamentally different economy to the Canadian economy. In fact, Britain has some of the same challenges we do, but Britain did not cancel programs a year ago. Britain kept upping its own standards and objectives and has gone past Kyoto and will continue to go past Kyoto. Its economy has not been damaged. Its economy, in 2006, had a 2.6 per cent growth rate, which is not bad under any circumstances.

Senator Stratton: What happened here in Canada?

Senator Mitchell: We have a Conservative government. That will really hurt. I am reminded that Tory times are hard times. I was about to say that the fact that bad economic policy leads to bad economics and bad economies is captured in that truism: Tory times are tough times. I tried to rise above it for a moment.

Business is also way ahead. I was in Calgary with other Liberal senators and Stéphane Dion, our leader, meeting several weeks ago with the Young Presidents' Organization's members. It was compelling to be in that room of 40 or 50 Calgary CEOs and senior executives. They are so far past Stephen Harper on Kyoto and climate change that it makes Stephen Harper not even near to the 19th century. He looks like he is in the 18th century.

Sir Nicholas Stern, who was here yesterday, makes a powerful statement:

It is very clear to me now that you can be green and grow. I do not think it is a horse race between growth and being responsible on climate change—good policy can give us both.

There is a reason he has been knighted, and that is because he is very good and well recognized.

In Canada, in our own backyard, we have senior business person after senior business person saying that we can achieve this goal. Let us get on with it.

William Andrew, CEO of Penn West Energy Trust, a major actor in the energy industry based in Calgary, says, "The reality is the more modern business models will tell you any operation that is good for the environment is good for the pocket book in the long run." He goes on to give an example of what we can do, and I will speak about Alberta because I am an Albertan.

We are sensitive in Alberta and we need to be because we have a government that is starting to take Albertans for credit because they own all 28 seats. I want to emphasize what Mr. Andrew said. For \$1.5 billion dollars, a pipeline could be built around the Edmonton area and ultimately up to Fort McMurray that could capture the carbon dioxide that is now being produced in the various refineries and processing plants around Edmonton. One and one half billion dollars is not an insignificant amount of money, but it is not overwhelmingly difficult to do either. That carbon dioxide could be taken to the Pembina field southwest of Edmonton and pumped back into the ground to enhance recovery. It would be much less expensive than actually having to find new oil and to drill new wells. His estimation is that it could result in 35,000 barrels a day of enhanced recovered oil. At today's prices, I think that comes to about \$700 million a year. Tell me how that costs money. You recover the capital cost of

that in a little over two years. You will actually be able to sell the carbon dioxide for enhanced recovery because those oil companies will see the economics of it. They already are; they are looking for that carbon dioxide. It is very much like acid rain. It was going to be impossible to achieve that, but we did, and now some of the products that have come out of that achievement are exceptionally marketable.

Bill Andrew is a classic case of a Calgary, Alberta, oil-based business person who understands that this is not an insurmountable problem but that it is manageable and achievable and that we have to get ahead of the curve or we will be left behind.

• (1620)

The President of Shell said that they want to be part of tradable credits. What will the government do to ensure that will happen, to give us the infrastructure?

BIOCAP is a network of researchers, university institutions and businesses across the country that is looking for ways to develop tradable credits. One of the major focuses of Biomass, as the name would suggest, is how to use the agriculture and forest industries to develop tradable credits and add to the economics of agriculture and forestry, both of which are in duress in our economy today.

What companies are behind BIOCAP? Shell is behind BIOCAP, as well as TransAlta, Suncor, Lafarge, Dofasco, Ontario Power Generation and the list goes on. It is not as though there has to be a tradeoff between the economy, business and the environment.

What are the costs? There is much discussion about costs. Whatever the cost, it is also an investment and the companies will be investing, whether there or somewhere else. What is remarkable about environmental investment is that it is productive investment. It increases productivity in an economy that needs increased productivity. It lowers costs, enhances efficiency and makes businesses better because they are better.

The estimates to achieve our 270-mega-tonne reduction target by 2012 range between \$10 billion and \$20 billion. I have explored those figures and they seemed light to me. In fact, there is a great deal of evidence to support them. As an aside, those figures would translate to as little as 75 cents per barrel of oil or as much as \$1.16 per barrel. When oil costs \$60 per barrel, one questions whether that should be the tipping point for not taking action.

Compare that to the \$5 billion per year over the next five years that we will lose in GST revenue because the government cut that rate by one percent, which translates as \$25 billion in GST revenue. Is anyone in this chamber truly aware personally of the cut in the GST? Has it made a big difference in anyone's wallet? Does anyone go to the store and think about how much money they are saving? Not one bit; but the cut has reduced GST revenue by \$25 billion. When one walks through Stanley Park today and sees the trees that have fallen down, one realizes that this \$25 billion might have been used to do something for climate change. When we look at farmers having droughts that they never should have had, we begin to think about climate change. When we look at water flows, which are 50 per cent over what they were

decades ago, we begin to think that this \$25 billion could be worth something and that it could change our lives in a far more significant way.

In the debate on costs, it is interesting to note that when businesses and Conservatives argue against something, they always elevate the costs; they go to the top costs. When they have to get serious about doing something, they do it in the least expensive way that they possibly can do it. There are all kinds of examples and much evidence of when initiatives such as the reduction of acid rain were confronted, the costs end up being much less than originally anticipated.

That brings me to the spin argument being used, and the Conservatives are good at spinning when they do not have facts. They hardly ever have facts, so we get a lot of spin. Rona Ambrose was good at that, for a while. We hear the Russian hot air argument, and Minister Baird used it as recently as yesterday. First, we have never bought a credit from Russia; no Canadian company, that I am aware of, has ever bought a credit from Russia. Second, it is illegal to do so because Russia does not qualify under the clean development mechanism to be a creditable credit, if I can put it that way. Third, Russia is off the screen. However, a process is in place to assess and evaluate credits that can be purchased abroad under the clean development mechanism. It is highly regulated, strict and has tremendous credibility. At this time, there are about 350 projects with 12 Canadian companies involved.

The Conservatives would be happy, one would think, to promote international foreign investment. Canadian companies are strong enough, big enough and competitive enough to compete anywhere in the world and win. I am not saying that we have to buy credits abroad necessarily, but if they can be turned into economic investment opportunities abroad, why encourage foreign investment of our companies elsewhere on every other economic front but not on the home front?

The President of the Toronto Stock Exchange said yesterday that the government will hamper us if they do not allow us to get involved in international and Canadian tradable credits to create a market. I believe that one of the tremendous economic opportunities to arise out of this issue is for us to have tradable credit markets, and I believe that such a market should be based in Alberta, probably in Calgary. I would be looking for support one day from this house to do just that. BIOCAP is serious about finding ways to develop tradable credits to help the agricultural and forestry economies.

I will conclude this section of my remarks about costs and the environment versus the economy by saying that this is, perhaps, one of the most significant economic opportunities that this country has ever faced. The Honourable Stéphane Dion uses the phrase "the next industrial revolution," and he is exactly right. If we miss the next industrial revolution, it might be absolutely impossible for us to catch up. The economy of the 21st century will be based upon knowledge, technology, science and intellectual property.

This environmental feature of that economy will be central to the economy of the future. This government does not have the imagination to grasp that concept and to do something about it; in fact, they are absolutely fighting it. My profound concern is not

if we do something about Kyoto but rather if we do not do something about Kyoto because we will have missed a huge economic opportunity. Our competitors around the world will have jumped past us, and one day our products will be in danger because their markets will not be amenable to our products that will not be up to environmental standards.

I would like to discuss Alberta and Kyoto because I am an Albertan. Greenhouse gas is a sensitive issue for Albertans. Senator Banks, Senator Tardif, Senator Hays and Senator Fairbairn certainly share that concern and are sensitive to the issue. It does not have to be contrary to the Canadian economy in general or to the Alberta economy in particular. Only 3.5 per cent of our greenhouse gas emissions come from the oil sands. We will not solve the problem by picking on the oil sands. Only 17 per cent of our greenhouse gas emissions come from upstream oil and gas, all of which together is not only in Alberta. Therefore, we will not solve the problem by picking only on that. As an Albertan, I am concerned about what this government is prepared to do for politics and for political imperative because they hold 28 seats in Alberta and there is evidence that they are beginning to take Alberta for granted. Having said that, it simply does not have to be and, if this is done properly, it will be done as a national exercise and a national challenge, as Canada has done historically in the past. I would go so far as to say that not only would it be great for the economy; it could also become a great unifying force. We could work together in our place in the world on this issue and contribute as Canadians have done so often in the past.

• (1630)

I also want to point out that it is not oil sands plants that are necessarily the largest of the large emitters. In fact, Syncrude emits about 10.6 megatons a year and the Nanticoke electrical power plant in Ontario emits approximately 17 megatons a year. When we address this issue, we have to address it fairly across the board, across the country, and we cannot pick on a given area. Albertans can have some consolation in knowing that if this is done properly, it does not have to damage our economy, and for that matter, damage the rest of the country's economy, because Alberta's economy has been the engine of Canada's economy for quite some time.

Those are my points. I want to emphasize that I believe that this is an historic piece of legislation; that Canada has not acquitted itself very well in the last year on this issue; and that the prospects are exceptionally good for us to do well, to meet our targets, to uphold our responsibility to an international law and to seize the moment.

What is required is something that we are not getting — and that is leadership. Yes, they talk of leadership; again, they spin it and we get leadership on mandatory minimums to solve a problem that does not exist. We get leadership on "fairness in taxation" that gives more tax money to the rich and cuts the poor; but we do not get leadership on something that is a huge, important and significant challenge to this country, to our children and grandchildren. We need that leadership. In closing, honourable senators, I will say that Bill C-288 is exactly what we do need. It is leadership and it needs to be supported by this house.

Hon. Senators: Hear, hear!

On motion of Senator Tkachuk, debate adjourned.

[Translation]

STUDY ON MATTERS RELATING TO AFRICA

MOTION TO ADOPT REPORT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE COMMITTEE— REQUEST GOVERNMENT RESPONSE— DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled: *Overcoming 40 Years of Failure: A New Road Map for Sub-Saharan Africa*, tabled in the Senate on February 15, 2007.—(Honourable Senator Segal)

Hon. Hugh Segal: Honourable senators, I move:

That the seventh report of the Standing Senate Committee on Foreign Affairs and International Trade entitled *Overcoming 40 Years Of Failure: A New Road Map For Sub-Saharan Africa*, tabled in the Senate on February 15, 2007, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Foreign Affairs, the Minister of International Trade, the Minister of International Cooperation and the Minister of National Defence being identified as Ministers responsible for responding to the report.

[English]

He said: Honourable senators, I want to briefly speak to the substance of our report and commend it to your consideration.

First, I want to say that the 16 recommendations, which colleagues on the committee largely agreed to and which became the substance of our report, represent a very broad reflection of the committee's analysis of the foreign aid circumstances within Africa, the economic and developmental challenges in Africa and the best way that we can advance Canada's role as part of the solution, as opposed to part of the problem.

It is in the nature of the news media to focus on what strikes them as most newsworthy. One of our recommendations dealt with CIDA, and there were 14 other recommendations that dealt with other matters.

For the record, I want to indicate, as we did when we tabled the report and had a press conference, and I was accompanied in that respect by my colleague Senator Dawson and by the distinguished Deputy-Chair, Senator Stollery, that our comments with respect to the structure of CIDA do not reflect upon the outstanding people who work in CIDA. The people who work in CIDA are devoted to the international goals and foreign aid commitments of that organization. I have a very high regard for the reasonably new President, Robert Greenhill, who came from the private sector to be part of the CIDA effort.

The point we made was that the structure of CIDA and how it operates is not the fault of the people who work there. It is not the people at CIDA who decided, for example, that 80 per cent of their employees would be in Canada and only 20 per cent abroad. Various governments have made that decision because of the cost of keeping people abroad in the target countries. It is not the

people who work at CIDA who decided that in the last 12 years, we would have 11 ministers responsible for CIDA. That is not their fault.

The case the committee is making for the consideration of colleagues in the Senate and, hopefully, the government and all the political parties who care about foreign aid in Africa, is that we have a duty to ensure we are doing it right. We have a duty to deliver financial support and encouragement to Africa in a fashion most likely to achieve a significant measure of success.

The committee met in over 80 sessions with close to 400 witnesses in Canada, various countries in Africa and amongst our allies in Europe and elsewhere, so we could benefit from the work they did on aid. Witnesses said that CIDA has become, for structural reasons, one of the slowest, most inefficient, most ponderous bureaucratic aid agencies.

It is very much to the credit of the committee that it tried to address a way to maximize our impact through the foreign aid advanced from Canada. It is not about more aid; it is about better aid and transparency surrounding that aid.

In that context, with respect to CIDA specifically, the proposal is first, that it should be reviewed with regard specifically to the challenges that we now face. Second, we should consider CIDA having its own act of Parliament. CIDA does not have its own act of Parliament; it is, in fact, a paragraph in the Foreign Affairs Act. A proper act of Parliament, when one looks at the amount of money being spent, would be a significant way to increase accountability, to increase the supervisory role of parliamentarians and probably give CIDA a fresh lease on life so it can do the job I am sure the people who work there very much want to do.

The other option that was put on the table, and about which the committee feels very strongly, is that we must consolidate in one place, all our activities with respect to Africa. The Africans the committee met with said that they do not want aid; they want to be able to trade. They said they want to be able to expand their economy through their own hard work, which is why our committee, in another one of its recommendations, called on Canada to take a strong leadership role with respect to Doha so the barriers that keep African agriculture out of Europe can be addressed. It must be addressed in a way that allows Africans to earn their way, which is what African themselves told us they very much want to do.

It is remarkable the diligence, the determination, the hard work and the commitment of Africans to better their own circumstance when you think of what they face in terms of disease, trade barriers. Quite frankly, we must think in terms of what they face in their own governments. One expert at American University in Washington suggested governments were taking close to \$148 billion a year out of Africa and using it for purposes unrelated to the public interest.

Honourable senators, if we look at 1963 and 1964 as a point of reference, Zambia, Kenya and South Korea had about the same per capita GDP. We know what has happened since. South Korea and Asia have taken off. Worldwide growth has been remarkable, and our African friends have fallen in position since that time. The concern of the committee expressed in the

16 recommendations is that we have to begin to deal with the barriers to economic growth that are afflicting the efforts of our African colleagues to move ahead. If they pursue those efforts with diligence, if mothers and grandparents are dealing with children they are now responsible for because of what AIDS has done, if small entrepreneurs are continuing to work despite a lack of security in many parts of the Great Lakes region of Africa, surely we can have the courage to ask whether our policies can be better structured to achieve the desired effect on the ground.

• (1640)

I will make specific reference to a few of the more compelling recommendations.

The new Africa office that the committee calls for would be a vehicle with a senior minister of international development that would address aid, trade and security. I want to pay particular attention to the advice given to the committee by our colleague Senator Dallaire, who was kind enough to be present for some of our hearings. The case that he made, which we have all heard before, really comes down to this: We have committed blood and treasury as a country to deal with problems in Central Europe. We have done so to deal with problems in the Middle East. Those have been at great cost in contemporary times. However, there is a tendency to look the other way when it relates to the African subcontinent. I think I speak for all members of our committee when we make the case, as respectfully as we can, that in the development of our foreign policy priorities for the future, the security of Africa, working with the African Union and other African organizations to assist and strengthen that security is fundamental to facilitating economic growth and expansion on the part of Africans themselves. The advice I give our fellow Canadians outside this chamber is that we must never confuse the geographic remoteness of Africa as a continent with the strategic importance of that continent to our own interests here in Canada. If we allow more failed states to occur, if we do not stand in support with our aid of the NEPAD terms established by Prime Minister Chrétien at Kananaskis, with the G8 and with the African partners who were there, if we do not reward the countries who are working for greater democratization, working to diminish corruption and to facilitate economic growth, then we are essentially saying there is no cost to be paid for continued corruption, continued violation by some in government, in Africa, of the rights of African men and women to their own economic and social progress.

Failed states such as Zimbabwe, or individuals of standing in that society — professionals, doctors, lawyers, teachers — have left because there is not sufficient stability for them to serve in their own society. When those things happen, when those failed states begin to appear, the price will be paid by us when there are more circumstances for terrorists, gangster regimes, drugs and other seriously offensive implications to root themselves in an Africa that has so much potential.

I was touched by Senator Mahovlich who was on the first trip of the committee to Africa and experienced one of those fleeting periods of unwellness that travel in certain parts of the world can generate; but he soldiered on. In the Congo, he was as touched as everyone on the trip that despite the mineral wealth — the cobalt, the gold, the copper and the zinc — there were no roads to move those resources to market in order to generate economic

growth. When he returned to Canada, he was consistent in our committee about the importance of roads. He asked the question to CIDA and others: "We know how to build roads. Why are Canadians not building roads, a simple, small piece of the puzzle." To be fair to CIDA, they will say that they do not fund specific projects but work with partners on the ground. That is a legitimate policy position for them to take. Ambassadors and high commissioners said to this committee in situ, in Africa, that other countries make aid decisions by using the advice of their ambassadors, high commissioners and staff on the ground. However, our ambassadors and high commissioners are not part of that discussion. Those decisions are made back in Gatineau, without the advice and counsel of the people on the ground, serving Canada, and rooted as best they can in the local societies.

The committee report talks about the International Monetary Fund. This study is a relatively new arrival to the committee. The Africa project was long launched by Senator Stollery and other members before I arrived. The committee made the point that we should never again, as a funder of the IMF, as a supporter of the World Bank, impose conditions upon African countries that we would never accept being imposed upon ourselves. It is now the general wisdom that some of these conditions that were imposed led to a retraction within that sub-Saharan economy, and many Africans paid a very serious price.

We believe extensively that the role Canada must play in Doha, aside from advancing and protecting our own interests, need not exclude leadership on our part in support of breaking down the barriers to African agricultural exports. They export largely tropical products. There is no competition between the farmers of Saskatchewan and the farmers of Africa with respect to tropical products. It is important that we make the case because agriculture is, in the proximate term, the best opportunity for the vast majority of Africans that they be allowed to ship their goods abroad and be paid fairly for that process.

Honourable senators, I want to make reference to the Africa office and why the committee felt it to be so important. We understand the salience of our relationship in this hemisphere with the United States and the other countries of the Americas. We have a long and historic tradition with respect to our relationships in Europe and with the United Kingdom. We believe that the Africa office constitutes a way for us to say that Africa is a priority for our country. Lifting people out of poverty by giving them the tools to do it themselves should really characterize Canadian investment and aid in that part of the world.

Hon. Wilbert J. Keon: Would the Honourable Senator Segal take a question?

• (1650)

The Hon. the Speaker: We will have to extend the allotted time if Senator Segal wishes to answer a question. Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Keon: The honourable senator's remarks were terribly moving and important, but I noticed that health was absent in them. Perhaps that is because he feels that this is the responsibility of the World Health Organization and similar organizations. I have mentioned before in this chamber that I think the greatest threat to Canada is not our environment, but a terrible pandemic

that will rise out of Africa when a micro-organism undergoes a mutation and there is loss of containment. Such an outbreak could virtually wipe out our entire population unless we make a modest investment to get rid of diseases like malaria and tuberculosis. These can easily be eliminated at a modest cost. AIDS is not possible to eliminate at this point in time, but there are exciting things on the horizon. Will his office be addressing this issue?

Senator Segal: I want to thank Senator Keon for the question. I was remiss in not devoting a portion of my time to recommendations 12 and 13 of the report, which deal specifically with the health crisis. In those recommendations, committee members called for new initiatives to reduce the threat of malaria, provide medication for those afflicted with the disease, and achieve a single, harmonized, fully resourced global plan to address the HIV/AIDS crisis. Greater focus should be placed on preventing the spread of disease, working extensively with African non-governmental organizations, local community organizations, traditional chiefs and healers to stem the incidence of AIDS in the rural regions of Africa, and addressing the serious issue of female genital mutilation.

As well, the Canadian contribution to health in the sub-Saharan region should call for Canada to amend the present Access to Medicines Regime, including its underlying legislation, to make it more effective in prompting shipments of medications for HIV/AIDS sufferers to Africa. The federal government should consider the direct purchase by Canada of the appropriate antiretroviral and associated pharmaceuticals for distribution through reputable non-governmental organizations throughout the sub-Saharan region. Finally, the government should ensure that its official development assistance includes significant investment in inexpensive insecticide-treated mosquito nets and in the spraying of DDT on interior walls of African homes in low-lying tropical areas where malaria is typically present.

I am very much aware of the commitment made by the Right Honourable Paul Martin when he was Prime Minister to massively increase the level of medication being shipped to Africa. However, for reasons beyond his control related to patent legislation, the WTO, and all the rest, pills are not yet moving. Based on that commitment, it is fair to say that our committee was strongly resolved that we must break through the bureaucratic process to get pills and medications on the ground as soon as possible.

Hon. Daniel Hays: I was very interested in the committee's recommendations around the fact that trade, not aid, is the solution to the problems in Africa. It is largely an agricultural based economy. The committee had discussions with international financial institutions, or IFIs. One way of resolving the problem is through the Doha Round and liberalising trade so that they have access to the markets of developed countries. The other, as mentioned by a witness from L'Union des producteurs agricoles of Quebec, is to give them some exemptions that they lost as a result of IFI requirements. Is that something the honourable senator could comment on as a possibility?

Senator Segal: The committee did consider that evidence carefully and would not exclude that option going forward. We did not have detailed discussion in regard to the IFI implications

or, for example, the specifics of Canadian marketing boards. We do not think there would be any real costs to Canada in dealing with those exemptions in a constructive way — quite the contrary.

We also made reference to the fact that many farmers and small businesses related to the agricultural economy are being aided by micro finance and the very great and distinguished co-op, Caisses Desjardins in the province of Quebec, is very much implicated in helping that micro finance thematic throughout the continent of Africa, and we hope more of that transpires.

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I would first like to congratulate the members of the Standing Senate Committee on Foreign Affairs and International Trade for this excellent, very thorough work.

Concerning your recommendation to establish an Africa office, did the ambassadors and other witnesses you heard in Africa support this idea or is this recommendation going to be imposed by Canada, as part of our assistance to Africa?

Senator Segal: Foreign service members in Africa indicated to us that, if decisions concerning economic support were made locally, and if team members from this new Africa office were posted in our embassies based on the African continent, this would facilitate such decisions considerably and improve the effectiveness of these individuals as representatives of Canada.

Senator Losier-Cool: Many among us have already had the opportunity to visit Africa and to work with African parliamentarians. We are familiar with the strength, vitality, courage and spirit of African women. Can you comment on the support given by African women to these recommendations made by the committee?

Senator Segal: I believe that the high percentage of women elected in several African parliaments did not escape the notice of our committee's members.

Second, with regard to agriculture and microfinance, it seems that financial instruments in support of initiatives and investment benefit businesswomen in Africa.

Hon. Fernand Robichaud: Honourable senators, Senator Segal mentioned that one of the problems for African agriculture is access to world markets. But for these farmers, is there not a problem with getting their products to their own markets? Is there not also a problem with goods from industrialized countries that arrive on their markets at a lower cost than the local cost of production?

Senator Segal: The honourable senator is absolutely right. American and European subsidies represent one of the problems. From time to time, products arrive in Africa, valuable products at cheap prices, and that can be detrimental to the effort to create a local economy.

Another problem for our African friends is facilitating the transportation of agricultural goods across African borders. When we discussed NEPAD and Mr. Chrétien, some witnesses added that we must be responsible in establishing our criteria for

financial aid. If their borders were more open, all Africans would have access to a larger market and not be limited to the markets in their own countries.

On motion of Senator Corbin, debate adjourned.

• (1700)

[English]

STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the third report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Agriculture and Agri-Food Policy in Canada: Putting Farmers First!*, tabled in the Senate on June 21, 2006.—(Honourable Senator Fraser)

Hon. Joan Fraser: Honourable senators, when I took the adjournment of this debate, I did so as a courtesy to the Agriculture and Forestry Committee, because, as you all know, this is not exactly my field of expertise. Since then, however, I have become rather more aware of the issue that was addressed in this report. I am seized with the importance of it, but still do not consider myself even a competent observer. I am simply struck with the great importance of the situation for our farmers.

As we speak, the Agriculture Committee is working on its study of rural poverty, which is another facet of this question. I understand that many on that committee wish to address this issue. Therefore, with the indulgence of senators, I ask that the debate continue to be adjourned for the balance of my time.

On motion of Senator Fraser, debate adjourned.

POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif calling the attention of the Senate to questions concerning post-secondary education in Canada.—(Honourable Senator Callbeck)

Hon. Marilyn Trenholme Counsell: Honourable senators, I rise in place of Senator Callbeck, who is travelling with the Standing Senate Committee on Agriculture and Forestry, which is conducting hearings on rural poverty.

It is a great pleasure to speak to this inquiry introduced by Senator Tardif. I applaud her for her passion — born of a distinguished career in education — and her tireless commitment to this subject. In her exhortation to fellow senators on June 13, 2006, Senator Tardif said:

It is my belief that, despite the acknowledged importance of post-secondary education to the economic and social success of Canadians, we as governors and policy-makers have failed in providing it with the focus, direction and support it deserves.

We must move now, honourable senators — swiftly, efficiently and intelligently — and end the stagnation and stalemate looming around this important public policy issue.

Senator Tardif reminded us that Canada's post-secondary attainment rate of 44 per cent is not good enough. We must aim much higher to compete in the 21st century with countries such as the United States, India and China, and we must do much more to increase the ratio of graduate-to-undergraduate students in our universities, to align us with other local competitors.

Senator Tardif left no doubt about the urgency of her inquiry, saying:

The race is on . . . waiting for one year or more might be the difference between Canada being a global player and a global pretender.

I come from Atlantic Canada, where we realize that for far too long we have been exporting brains. We are determined to do better when it comes to keeping our brightest and our best at home, or at the very least to bring them home after valuable adventure and experience in other parts of Canada and around the world.

The skills, the academic and professional achievements, the pride of our young women and men from our four Maritime provinces are not a coincidence. Certainly this story is not only a reflection of the strong women and men who have braved the elements of the Atlantic and the comparative isolation of our region from the power of central Canada, and now of Alberta. It is all of this, but equally the remarkable tradition of education in Atlantic Canada, beginning with those who came first.

So much of this tradition was born around the kitchen tables in the homes of families of French, British, German and Scandinavian families, to mention only a few. From these homes came the men and women who founded our universities and colleges, which today merge seamlessly with the fabric of our communities.

Visit St. John's, Newfoundland, where you will see, on the cliffs of that great city, the astonishing development of Memorial University. Come to Moncton, New Brunswick, and you will be amazed by the pride the Université de Moncton has in our bilingual society and throughout the Francophonie. The University of Prince Edward Island and Holland College have experienced remarkable growth into fields recognized internationally. All of this began in New Brunswick and in Nova Scotia, where we probably have not only the largest number of Tim Hortons per capita, but also the highest number of university and college spaces.

Mount Allison was the first university in the British Commonwealth to give a bachelor's degree to a woman, in 1875. The University of New Brunswick is one of the oldest universities in North America, dating to 1829.

The cooperative movement began at St. Francis Xavier University in Antigonish, Nova Scotia, and this province is in an ongoing competition with New Brunswick for excellence in undergraduate education, with Acadia and St. Francis Xavier vying in turn with Mount Allison for first place nationally, with these universities always being in the top tier.

The long traditions of the University of King's College and those of Dalhousie stand beside the Acadian University of St. Anne's in Nova Scotia, while in New Brunswick, liberal arts flourish at St. Thomas in Fredericton.

Our community colleges, our colleges of craft and design, and our faith institutions such as the Atlantic Baptist University all add to this richness of educational opportunity in Atlantic Canada.

Yet, many of our young people are left behind for reasons that I will discuss later, reasons that exhort you and me, my fellow senators, to speak out and to act.

First, however, I want to offer you a taste of the nobility and the strength of vision that flows from our leading educators in my home province.

Dr. John McLaughlin, President of the University of New Brunswick, said on January 9, 2007:

Choosing excellence and pursuing quality will take imagination and courage . . .

At the time of his installation as UNB's seventeenth president, this visionary leader spoke of his university as "a primary source of knowledge creation and talent, the critical foundation of competitiveness and prosperity."

From poetry to advances in magnetic resonance imaging, to early childhood development, to an ever-stronger relationship with China in business education, UNB "represents knowledge and enlightenment . . . a repository for cultural values . . . an instrument for reform . . . providing an example of the best aspects of human interaction and endeavour."

Dr. McLaughlin stated unequivocally that "the future well-being of Canada and Canadians . . . will ultimately be . . . dramatically affected . . . by the quality and effectiveness of education." He said:

If the role of government is to help create the climate for change . . . it is the role of education to be the instrument of change . . . the role of business to be the engine of change.

There, quite simply, is the diagram: Government, educational institutions and business in partnership to advance Canada in the 21st century.

• (1710)

The president of UNB continued:

Governments must not only show strong leadership and investment on climate change per se, but also in the nation's education, creating a climate for research, for learning and for opportunity and competitiveness.

Dr. Robert Campbell, President of Mount Allison University, provided this commentary on February 18, 2007:

For a civilized and prosperous country like Canada, the post-secondary sector is one of the highest and most important public goods. Universities have . . . played a double historical mission in Canada's development.

On the one hand, they have played a key role in extending knowledge and understanding to an ever-widening proportion of Canadian society, thereby increasing our citizens' capacity to contribute to and sustain our democratic system in an increasingly complex world. We need an educated, sophisticated, insightful and understanding citizenry to address issues like environmentalism, multiculturalism and international political uncertainties as well as to sustain family life, personal health and social well-being in a challenging world.

On the other hand, (they have played a determining role in educating the researchers and thinkers that developed the ideas, techniques, innovation and knowledge that have increased our society's capacity to create wealth and increase and extend prosperity. We need to train and educate a greater proportion of future generations to ever higher levels, if Canada is to maintain and extend its competitive capacity.

These two elements are intimately intertwined. Democracy thrives where there is extended economic prosperity, and economic prosperity requires an educated and involved citizenry and political system.

He concluded:

All Canadians benefit from the health of our democratic institutions and practices. Thus, all Canadians through their governments should encourage public investment in this wonderful and consequential public good.

The genius of the expansion of the post-secondary system in the post-war period was that it was done as a partnership amongst governments at all levels, private citizens and families and the supporters of the university through philanthropy.

Honourable senators, I believe that Senator Tardif was calling for nothing less than a renewal of this genius when she called for "national leadership and genuine inter-governmental collaboration . . ." The senator called for "more funding and support" with "tangible goals and deadlines." She called for the "same courage, fortitude and entrepreneurial spirit that emboldened the founders of this grand experiment called Canada . . ."

[Translation]

Honourable senators, when I think about the courage and vision of the founders of Canada, I think of the example of the Acadians in my province. In 2007, the Université de Moncton is a testament to the aspirations and dreams of the men and women who found, in their history, the determination to build a strong, modern society in order to achieve their full potential as francophones, as New Brunswickers and as Canadians.

Each year, thanks to this university, an increasing number of young Acadians gain the confidence to build a life full of hope and opportunity, regardless of where they choose to pursue their careers. Furthermore, the Université de Moncton welcomes students from other provinces and, of course, from other countries, from la Francophonie in particular.

On the occasion of the Université de Moncton's 40th anniversary in 2003, President Yvon Fontaine said:

The Université de Moncton has had a profound effect in shaping the socio-economic and cultural development of our province. At the same time, the university is achieving national and international recognition.

Honourable senators, I know that this wonderful success would not have been possible without the contribution from all the governments that shared the Acadian dream and provided the necessary financial support, in collaboration with the private sector, during these four decades to build this bastion of education and culture.

This should serve as an example for current governments, an example of public investment that is essential to Canada's national and international progress.

[English]

When I think of St. Thomas University, I am reminded of the great merit in a democratic society of embracing the very finest principles of equality and of reaching out to youth from all backgrounds to offer them the education they deserve. This small university walks the talk when it comes to Aboriginal studies and educational opportunities for Aboriginals. It does this and so much more with dedication and generosity.

If we need an example of what small "I" liberalism is all about, we need look no further than St. Thomas. As we study the post-secondary challenges in Canada, I suggest that we have in my province a shining example.

As one who believes profoundly in education, lifelong education beginning at birth, I could not be more certain of the importance of Senator Tardif's inquiry. She has called for "national leadership and genuine inter-governmental collaboration," with "a transparent and collaborative consultation process" that includes "a first ministers' meeting on post-secondary education and skills training." She called for urgency in this regard.

In all of this, honourable senators, let us always use a wide lens and a long view in our deliberations. Too many Canadian youth

are missing their chance to have post-secondary education with all its possibilities for the future because for too long we have undervalued our community colleges and our specialized colleges.

In the arts, in high technology, in trades, in early child development and child care, in home care and services to our seniors and our veterans and in so many other courses, our colleges offer a place for young women and men to begin to reach their full potential. At the same time, the programs and the vision of our colleges provide the fountain of people needed to ensure a caring society for Canada.

Not only must governments do more, but our communities must do more to create an environment where each young Canadian can contribute to the very best of his or her potential. No one can be left out.

To make this happen, we must be vigilant and have continual reassessment of our system of scholarships, bursaries and loans. The repayment of these loans where applicable, must be a priority of parliamentarians. I believe in fairness between what the state provides and what the individual student and his or her family pays.

As a nation, we can do better when it comes to setting the stage financially and philosophically for all of our institutes of post-secondary education, be it a small college, a trade school or one of our internationally recognized pre-eminent universities.

In each case, the goal should be nothing less than excellence and equal opportunity. Canada wants more Rhodes Scholars and more Nobel Prize winners. We want a chance for each of Canada's children to feel proud and to succeed.

Let us be very honest as we study post-secondary education, remembering that we are neglecting too often the most vulnerable in our society, our Aboriginal youth, our challenged youth, our rural youth and many in our cities who drop out of our educational systems for reasons we can and must address and overcome. There can be no greater challenge in a democracy, and I know Canada can meet that challenge.

In closing, I would like to use words spoken by Dr. David Naylor, President of the University of Toronto, where I was so fortunate to receive my Doctor of Medicine degree. He said:

I believe we have an obligation to pass along a stronger, more sustainable and more rational system of education. In such a system, I hope that great universities will be even better positioned to shape the great minds of the future. And if we are successful, the students of today and tomorrow will make their children's world a kinder, gentler, healthier, greener and altogether better place.

[Translation]

I would like to thank Senator Claudette Tardif for her leadership in the Senate of Canada as a champion of primary, secondary and post-secondary education.

On motion of Senator Banks, for Senator Callbeck, debate adjourned.

• (1720)

[Translation]

IMMIGRATION POLICY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.—(*Honourable Senator Fraser*)

Hon. Claudette Tardif: Honourable senators, Senator Jaffer would like to speak on this issue tomorrow. I move that the debate be adjourned in his name.

The Hon. the Speaker: Honourable senators, according to the *Rules of the Senate*, we must continue the debate with some substantive remarks, otherwise the *Rules of the Senate* are meaningless.

Senator Tardif: Given the importance of Canadian immigration policy to Canada's economic, social and cultural development, I move adjournment of the debate.

On motion of Senator Tardif, debate adjourned.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO REFER SUBJECT MATTER— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, I note that the motion standing in my name is at day 15 on the Order Paper. I rise today to indicate that I wish to speak to this matter later this week.

On motion of Senator Andreychuk, debate adjourned.

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

GOVERNMENT RESPONSE TO TRANSPORT AND COMMUNICATIONS COMMITTEE REPORT— INQUIRY—DEBATE ADJOURNED

Hon. Joan Fraser rose pursuant to notice of November 29, 2006:

That she will call the attention of the Senate to the Government response to the second report of the Standing Senate Committee on Transport and Communications entitled: *Final Report on the Canadian News Media*.

She said: Honourable senators, you will recall that last year, the Committee on Transport and Communications released its final report on the news media. After some time, in fact, on the last possible day, the government sent its response to that report. I want to talk primarily about the response, but to make it easier for you to understand my comments, I would like to talk a bit about the substance of our report.

Senator Bacon was chairing the committee when the report was presented. Honourable senators will recall that I participated in its studies. This study was an absolutely extraordinary experience. We worked for three years, but the issue was very complex and it was not easy to find solutions to the problems we encountered. That is why we needed so much time to complete it.

I think that the other members of the committee would agree that this was one of the most remarkable studies of almost personal experiences that any of us have ever participated in here.

[English]

The first thing to consider when Parliament and politicians start talking about the news is whether they are intruding in areas where they ought not to go. I would assure honourable senators that our committee never forgot that the state has no business in the newsrooms of the nation. It is not for the state to determine how news shall be covered or who shall say what about the news of the day.

However, we also understood that there is a public interest in the news and that there is a role for public policy in connection with the news, which is where we focused our interest. The public interest in the news is simple. It goes to the heart of functioning in a democracy. Citizens need information and diverse sources of information. To have only one source of information is death to a democracy. It just does not work. A democracy cannot function without diverse sources of information so that ideas may compete against each other and citizens may make up their minds as to what they believe is the appropriate course for their society to follow.

We heard compelling arguments that in the 21st century the diversity of sources of information is no longer a problem because of the technological explosion that has created so many different ways for us to receive information, everything from cable TV, which is old hat now, to the telephone, upon which we can now

receive and send almost anything. It is no longer the case that one gets their newspaper in the morning or the evening, depending on one's choice, and that it is the main vehicle by which one receives information.

However, the fundamental thing to bear in mind is that the means by which information is delivered is only part of the equation. Who provides the information that is delivered is the other part of the equation.

If, for example, Consolidated newspapers Inc. sends me the same story in its newspaper, on a blog, on my telephone or on my cable, it may look diverse because of all those different vehicles for receiving it, but there is no diversity because it is the same fundamental source. We were concerned with a way to ensure diversity of original sources of information in an age of technological change.

We discovered that in this area, Canada's public policy is, as it has been for a long time, woefully inadequate. There is simply no mechanism to discuss the public interest in news, and yet federal public policy has a very strong impact on the way the news business evolves with everything from the Income Tax Act, to competition law, to regulation by the CRTC, to broader things like the laws of libel.

The various authorities that have a role in this field have shown almost no interest in news. In some cases, they have shown a rooted resistance to even contemplating the effect of what they do on the provision of news and information for the Canadian public.

The CRTC, which has jurisdiction over broadcasting, focuses essentially on Canadian content. By "Canadian content," I mean drama and the arts, everything from soap operas to the ballet. These are wonderful causes and it is important that the CRTC pay attention to them, but it pays little attention to the news. It seems to think news can take care of itself.

When a flamboyant merger occurs, the CRTC may, as a condition of licence, impose conditions to supposedly guarantee that the newsrooms remain separate, but it does no checking to ensure those conditions of licence are actually obeyed. We found evidence that in too many cases those conditions are not obeyed by the licensee.

The competition authorities, for their part, absolutely do not pay any attention to the news. They have jurisdiction over newspapers, print as well as over broadcasting, but they do not focus on news. They only focus on the impact of a merger on local advertising markets. One could own every single newspaper and television station in Canada, but as long as the rates for local advertisements had not changed, the competition people would probably say, "No problem."

• (1730)

The result is that Canada does less to regulate concentration of cross-media ownership than any of the countries that we examined to use as potential yardsticks. We do less than the United Kingdom, France, Germany, Australia, and less even than the United States, that citadel of free enterprise. The result of that

is that we have ever-greater concentration of ownership and cross-ownership, both nationally and regionally.

I do not need to tell honourable senators about the importance of the CanWest empire and the CTVglobemedia — formerly Bell Globemedia — empire, which includes both CTV and *The Globe and Mail*. Some honourable senators might be less aware that the Irving interests in New Brunswick own every single English-language newspaper, a growing number of French-language newspapers, plus radio stations, and that Transcontinental owns every single paper in Newfoundland and Labrador, in addition to basically all but the *Halifax Chronicle-Herald* in Nova Scotia, and a growing number of newspapers elsewhere. I see it has acquired quite a few newspapers in Saskatchewan, for example.

We have a problem. We have problems in Vancouver and in Montreal, where our news media are intensely concentrated, and no one seems to care. It is getting worse. This last summer, for example, the former Bell Globemedia, which already owned CTV and *The Globe and Mail*, bought the CHUM network, and CanWest bought Alliance Atlantis. The total value of those two deals was in the neighbourhood of \$4 billion. Bell Globemedia's purchase of CHUM was accompanied by the immediate layoff of nearly 300 people, within hours of the announcement. Most of those people worked in the news department. High-flown protestations about how important news is are not actually borne out in reality.

What did the government do? How did the government respond to our 40 recommendations? We thought our recommendations were models of a reasonable approach. In particular, on the matter of cross-ownership and concentration of ownership, we suggested a public review mechanism, with emphasis on "public." Once certain thresholds were reached, probably quite high in comparison to some other countries, there would need to be a public review to determine how the public interest could be served in this commercial transaction. The government of the day would have the final authority to make a decision, but it would have to do so publicly after a public inquiry and justify its decision publicly.

Compare that with the present situation, where the government of the day can overrule decisions of the CRTC with no explanation whatever, no public hearings or debate, simply saying, "We do not like what the CRTC decided, and we will change it." They do that quite often.

We thought transparency would be a wonderful way to ensure that public reviews would serve the public interest without having that terrible side effect of political interference in news management. Sunshine is the disinfectant that can be used to good effect here. Our system was modelled in part on the system in Britain, which works well, but the system we propose would have been much less intrusive than the one that the British press, which is free and vigorous, live with.

We had some other suggestions. We suggested that the CBC, as you may recall, be turned back into a genuinely publicly oriented public broadcaster and that it get out of ads and broadcasting professional sports. Those are areas in which we believe the CBC does not need to compete with the private sector and is, in its performance, distorted by its competition with the private sector. In order for the CBC to continue functioning, this would require decent budgets and long-term commitments to those budgets.

These were well considered, reasonable recommendations. What did the government say? No. Zip, zero, nada. Of our 40 recommendations, the government accepted two little ones. They said, "Yup, we agree that the CBC's performance reports should be more informative." There are no big policy implications there. As well, the government said, "Yup, we agree that civil servants should be made aware of the provisions of the whistle-blower legislation." There is not much public policy difficulty there. Every other recommendation was rejected.

What is worse is that, in rejecting them, the government frequently simply restated the status quo as if it were wonderful. They restated, for example, that the CRTC has jurisdiction over broadcasting and that the Competition Act has jurisdiction over everything but does not pay attention to news. The government paid no attention to the problems we had outlined.

I cannot say that I was surprised by this. Governments are always very nervous, not to say terrified, of appearing to interfere in any way with the press. Some of that reluctance is for good reasons, the reasons I was talking about, having to do with not having political interference in the news. Some of it is for self-interested reasons because they do not want the press to attack them.

However, good governments do face up to serious problems. The government that I served did not do it for a generation, and now I am sad to say that the government the people on the other side serve apparently is taking the same approach of doing nothing.

Honourable senators, I see that my time is up. If I might have just a few more minutes, I would be grateful.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

Hon. Senators: Agreed.

Senator Fraser: When I said earlier that things were getting worse, I meant it. Things are getting possibly dangerously worse. It is not just that we have large and powerful media companies; it is that we are operating in a global context. Let me give you one small example.

The CanWest purchase of Alliance Atlantis relies very heavily on a financial arrangement with Goldman Sachs in the United States, which might, if things did not go as CanWest hopes, if the financial results were not as good as CanWest hoped, end up taking control of some or all of those companies. Now, we have laws about foreign ownership of the news media in this country — television and print. We have laws about those things, but we discovered that no one seems to pay much attention to the enforcement of those laws. I have heard from newspaper publishers at far distant reaches of this country, from coast to coast, who have tried to get the Canada Revenue Agency to at least enquire whether their competitor was owned or not by a Canadian, as the law says, and the Canada Revenue Agency would not do it.

Now it appears that an arrangement very similar to the one CanWest has with Goldman Sachs, but affecting a smaller enterprise, I believe, in Nova Scotia, has already been approved by the CRTC. Question: Does that create a precedent for us under

NAFTA? Are we now bound to let deals like that go through, even if they do result in foreign takeovers of enterprises that by the law of the land are supposed to be controlled in Canada? No one seems to know or care. The government's bland response to our report was simply, "Oh, the Heritage Department does look at the content of publications." The government did not even address the issues of ownership. That is one small example.

• (1740)

[Translation]

Here is another small but irritating example. This country's laws say that wherever there is a minority official language community, government advertising, especially for job offers, must be published in both official languages. For example, in Nova Scotia, it has to be published in the local Acadian paper. However, every week, these ads are almost always systematically published in one single language despite the provisions of the law. Obviously, they are published in the local majority language. In Nova Scotia, that language is English. That means that every time it happens, the francophone paper has to complain to the Commissioner of Official Languages, who then goes to the department in question. We have therefore recommended that the government direct the departments to comply with the law. Not bring in a new law, just comply with the old one.

Honourable senators, the government did not even want to do that much. It is extremely disappointing that in a country like ours, where communication is so important, the government is ready to tolerate such situations without intervening.

[English]

We need better. Canadians are entitled to better. The last words of our report are as follows:

The public interest in healthy and vibrant news media is as important as the public interest in the rights and freedoms of individual citizens. It is time to recognize this interest and develop, in Canada, mechanisms similar to those in other developed democracies.

Despite my disappointment about the current response to our report, I remain hopeful that over some longer period of time this government and its successors will realize that it is time for Canada to do what every other serious industrialized country does.

On motion of Senator Banks, debate adjourned.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE COURT CHALLENGES PROGRAM

Hon. Donald H. Oliver, pursuant to notice of February 15, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, December 7, 2006, the Standing Senate Committee on Legal and Constitutional Affairs, which was authorized to examine and report on the benefits and

results that have been achieved through the Court Challenges Program, be empowered to extend the date of presenting its final report from February 28, 2007 to June 30, 2007.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO STUDY STATE OF EARLY LEARNING AND CHILD CARE— DEBATE ADJOURNED

Hon. Marilyn Trenholme Counsell, pursuant to notice of February 15, 2007, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report *Starting Strong II*, released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated "... national and provincial policy for the early education and care of young children in Canada is still in its initial stages. . . and coverage is low compared to other OECD countries;" and

That the Committee study and report on the OECD challenge that "... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn."

She said: Honourable senators, this motion is a sincere attempt to take politics out of the issue of early learning and child care in Canada. Senators are aware that the questions I have been asking are political in nature on what the Liberal government had set in place and what the Conservative government is doing now. However, it is time to take politics out of the issue of child care and early childhood development and to look seriously at where we are and where we might go.

As honourable senators can see by reading the motion, I have used the OECD report *Starting Strong II* as the basis. This has nothing to do with advocacy groups in Canada or with one political opinion or another. Rather, it is an international report that rates Canada relative to other countries. I had planned to read some of the details of this report, but the hour is late so I will not do that. I sincerely hope that honourable senators can refer this matter to the Social Affairs Committee, on behalf of Canada's children, where we will call upon witnesses with varied philosophies and diverse experience to discuss the OECD report, to understand why Canada is in such a dismal position.

This does not reflect what has happened over the last year but rather what has happened over a long period of time. We need to understand why Canada has been rated so badly internationally on a subject that is of great importance to all of us — Canada's children.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a question for Senator Trenholme Counsell. Has this motion been discussed at the Standing Senate Committee on Social Affairs, Science and Technology? It is the usual practice of this place to discuss orders of reference at committee prior to moving the motion in the Senate.

Senator Trenholme Counsell: I wish to advise the Deputy Leader of the Government in the Senate that this was discussed as long ago as six months and as recently as several meetings ago. It was agreed by those committee members present that this motion could proceed.

Senator Comeau: Therefore, one could presume that the members of the committee have voted on the matter and, therefore, that a new reference is being requested by the committee.

Senator Trenholme Counsell: I do not recall that there was a vote. It was discussed around the table at committee, and there was no disagreement expressed by those members present. The discussion was led by the chair of the Social Affairs Committee, who is not now present in the chamber, and it was agreed by those present that this motion could proceed. It was agreed by consensus, and I recall neither a vote nor a disagreement.

Senator Comeau: Therefore, I am led to presume that, because this was discussed by a certain number of members present at committee, the honourable senator felt that she had the go ahead from the members of the committee present to move the motion. Is that why the chair of the Social Affairs Committee is not requesting the order of reference? Would it be that the committee chair might not be completely in agreement with the senator's take on it? Perhaps that is why the honourable senator is moving the motion on the order of reference rather than the chairman doing it.

Senator Trenholme Counsell: I can assure honourable senators that the chair of the committee is in total agreement with this motion. He expressed his apology for having to leave the chamber a few minutes ago, after being here most of the afternoon. I have the full support of the committee chair in doing this.

The order of reference would mandate the committee to study the report *Starting Strong II* in much the same way the study on autism was done, which entailed a total of five sessions. In that way, members of the Social Affairs Committee could reach a consensus on what could be done with regard to this report and what it means for Canada's children.

Senator Comeau: I should like to consult with members on this side, because it is irregular to do an order of reference by consensus rather than a vote and when the chair is not present to request the order of reference. For that reason, I would move adjournment of the debate.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Wednesday, February 21, 2007, at 1:30 p.m.

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(HANSARD)

Wednesday, February 21, 2007

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Wednesday, February 21, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

ROYAL ASSENT

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

February 21st, 2007

Mr. Speaker,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 21st day of February, 2007, at 11:05 a.m.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General of Canada

The Honourable
The Speaker of the Senate
Ottawa

Bills assented to Wednesday, February 21, 2007:

A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 (*Bill C-28, Chapter 2, 2007*).

An Act respecting Scouts Canada (*Bill S-100I*).

• (1335)

[English]

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE JACK AUSTIN, P.C.

The Hon. the Speaker: Honourable senators, I have today received a notice from the Leader of the Opposition in the Senate, who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Jack Austin, who will retire from the Senate on March 2, 2007.

I would remind honourable senators that, pursuant to our rules, each senator will be allowed only three minutes and may speak only once and that the time for tributes shall not exceed 15 minutes; however, this 15 minutes does not include the time allotted to the response of the senator to whom tribute is paid.

[Translation]

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, it is with fondness and a bit of sadness that I pay tribute to the honourable Jack Austin, one of the most distinguished members of this chamber, who will be retiring in a few days.

He arrived in Ottawa in 1962 as the executive assistant to the Minister of Indian Affairs, Arthur Laing. Once a law professor, Senator Austin would become a prominent Canadian public figure for over 40 years.

He worked as a policy advisor, deputy minister of energy, and principal secretary to Prime Minister Pierre Trudeau before becoming a senator and then a minister. In each of his functions, he stood apart for his intelligence, his work ethic and his dedication to public life.

I had the privilege of appreciating his qualities when Senator Austin and I co-chaired the policy committee for the 1980 Liberal convention and when we were colleagues in Prime Minister Trudeau's cabinet. Not only did we share a deep respect and great admiration for Mr. Trudeau, but we were also on the same wavelength on a number of political and economic issues.

I would like to say in passing that we were at one time among the few Liberals who supported the free trade policy.

[English]

On the international scene, Senator Austin distinguished himself, in particular, by helping to develop stronger relations with Asian countries, most notably as the founding Co-chair of the Canada-China Legislative Association and as national Co-chair of the Council for Security Cooperation in the Asia Pacific. As well, he played a leading role in promoting closer ties between Canada and Mexico, helping found the North America Institute in 1988, and serving as first chairman of the organization's Canadian section.

I must add that Senator Austin invited me to be part of that group.

Among Senator Austin's countless achievements in the Senate, I must underline his key role as a member of the 1980-81 Special Joint Committee on the Constitution, which helped draft the patriation resolution. However, no tribute to him would be complete without mentioning his outstanding contribution to the Nisga'a Final Agreement legislation in 2001 and 2002. It was both as committee chair and spokesman that Senator Austin helped steer that historic land settlement and self-government bill through our chamber.

[Translation]

For over 30 years, Senator Austin dedicated his talent, energy and eloquence to serving this institution. He earned the respect and admiration of all those who knew him.

On behalf of our colleagues, I wish him all the best for the future, which will be a time not of retirement but of fruitful endeavour, not only for the better interests of all Canadians, but also for those of his family.

I would like to close by saying that this is just "until next time." He will always be welcome here to advise and help us. I hope that what we say to him today will not offend his modesty but will rather be a balm unto the sadness of leaving us.

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, today we are saying goodbye to one of our colleagues, Senator Jack Austin. As all honourable senators know, he is the dean of the Senate, having represented British Columbia in this chamber for over 31 years.

• (1340)

Before coming to the Senate of Canada, Jack Austin made a name for himself as a lawyer, as the Deputy Minister of Energy, Mines and Resources, and as Principal Secretary to Prime Minister Pierre Elliott Trudeau. In August 1975, he was appointed to the Senate of Canada, representing the senatorial division of Vancouver South.

During his time here, Senator Austin served in the cabinets of two Prime Ministers. In 1981, Prime Minister Trudeau appointed him Minister of State. In 1982, he was named Minister of State for Social Development and Minister Responsible for the Canada Development Investment Corporation. Two decades later, in 2003, Prime Minister Martin appointed Jack Austin Leader of the Government in the Senate. Senator Austin was also named regional minister for British Columbia.

In addition to his ministerial duties, Senator Austin has served as a member of numerous Senate standing committees and chaired the Standing Committee on Privileges, Standing Rules and Orders, the Standing Senate Committee on Rules, Procedures and the Rights of Parliament and the Standing Senate Committee on Aboriginal Peoples. He has also been a member of special committees, most notably the Special Senate Committee on the Anti-terrorism Act and the recent Special Senate Committee on Senate Reform.

Honourable senators, it would not surprise you to hear that in our time here together, it is likely that Senator Austin and I held very different viewpoints on just about every matter that came before the chamber. However, despite our differences of opinion, I do respect Senator Austin's firm dedication to his beliefs and to his political party. There is nothing wrong with being loyal to your political party.

Certainly, within the last year, I have come to fully appreciate the amount of time and effort that he had put into his work as Leader of the Government in the Senate. I remember, after I was named to this position, going over to see Jack Austin in the office that I now occupy and having no idea what I was about to face.

I do appreciate his counsel. Most important, I am sure we would both agree that it is a great privilege to be called to this chamber and to work here on behalf of our fellow Canadians.

Senator Austin may be about to take his leave of the Senate of Canada, but it is impossible to imagine him fully retiring from public life. I am certain that will not be the case and that Senator Austin will continue to be actively involved in Canadian politics for a long, long time to come.

On behalf of all Conservative senators, I would like to extend to him our very best wishes for a happy retirement — although I do not think the word "retirement" is appropriate for Senator Austin.

[Translation]

Hon. Daniel Hays: Honourable senators, it is a privilege for me to pay tribute to a good friend, our distinguished colleague, the Honourable Jack Austin, an exceptional senator who will be remembered as one of the best.

[English]

Senator Austin was born in Calgary, and though he has become a true British Columbian and Vancouverite, his Calgary roots are indelibly woven into his character. In my opinion, few native Calgarians better exemplify the qualities of confidence, courage and optimism, for which residents of that great city are so well known, than does Jack Austin. We will miss you, Jack.

After graduating from Crescent Heights High School in Calgary and the University of British Columbia, he went on to win scholarships at Harvard and the University of California, Berkeley before teaching law. I think it is worth repeating that he became Art Laing's executive assistant in 1962, Deputy Minister of Energy in 1970 and Principal Secretary to Mr. Trudeau in 1974, and was summoned to the Senate in 1975.

A lawyer's lawyer, with the manners of a gentleman and the heart and soul of a liberal visionary and reformer, Jack Austin has been a key player in the Canadian corridors of power and policy development for nearly 50 years.

Jack Austin's legacy is nothing short of outstanding. Whether it was developing policies to stimulate the economic development of Canada's North or framing our country's energy policies, whether it was the patriation of our Constitution or helping Aboriginal peoples achieve greater self-government, whether it was creating solid ties with Asia-Pacific countries or simply working for the betterment of his beloved British Columbia, he has played a crucial role as a member of the Trudeau and Martin governments, as has been observed, and in this Parliament.

As for his place in the Senate, it has been said that few Canadians understand so well the subtleties of our chamber, or its role and purpose, as does Jack Austin. Note his long support for reform, as evidenced by his 1983 testimony before the MacDonald Commission, arguing for improved Western representation in the Senate; and, more recently, by the motion he co-sponsored with Senator Murray on the same topic, all of which testify to his great understanding of this country and of the need for its institutions to evolve.

• (1345)

[Translation]

Senator Austin made an outstanding contribution to public life in this country and to the work of this house. I know that all honourable senators will join me in expressing our heartfelt admiration and gratitude.

[English]

It has been a privilege to work with you, Jack. I wish you well and it is a pleasure to have had an opportunity to pay tribute in the presence of Natalie and your extended family.

Hon. Lowell Murray: Honourable senators, 26 years ago last month, on the evening of Friday, January 31, 1981, to be exact, Senator Austin and I were at a meeting in Room 200, West Block, of the Special Joint Committee of the Senate and House of Commons on the Constitution of Canada. The committee had been sitting for many weeks under the chairmanship of the late Senator Harry Hays and Mr. Serge Joyal, MP, as he then was, debating the initial patriation resolution of the Trudeau government and the draft Charter. That evening the committee reached agreement on an Aboriginal rights clause. It was, said Senator Austin, "... an incredible accomplishment we are seeing in this Committee."

He spoke of the unanimity among the three political parties and the representatives of the various Aboriginal groups. Then, on a more personal note, he recalled his first exposure to Aboriginal issues, 18 years earlier in 1963 when he came to work for the first time in Ottawa under the Minister of Northern Affairs and Natural Resources, the Honourable Arthur Laing of Vancouver. He said to me, "I was first introduced to all of these issues in 1963, and I really took them to heart."

That night, as he looked back 18 years, if he had been able to look ahead 19 years, he would have seen himself standing in the Senate in the year 2000 to sponsor the Nisga'a Bill, which gave treaty status to their self-government and land claims agreements and entrenched them in the Constitution. If he had been able to see 25 years into the future, he would have seen himself in the year 2006 debating with Senator St. Germain and others an indictment by the Standing Senate Committee on Aboriginal Peoples of the unconscionable delays in the specific claims process.

The "institutional memory" is often spoken of as one of the gifts that the Senate offers to our parliamentary democracy. This is especially significant on matters such as Aboriginal rights where the phrase "the honour of the Crown" is of real import. If we, who sit in the Crown's parliamentary chamber, do not respect the "honour of the Crown" and insist on it, who will? For more than 31 years, Senator Austin has been pre-eminent among colleagues we could look to for leadership on these issues, and whom the Aboriginal people knew they could count on.

It is, as we know, not just a matter of longevity. It is the quality of a person's commitment and of his service that matters, and in Senator Austin's case, it is also its variety. He has been a ministerial and prime ministerial assistant, a deputy minister, a minister of the Crown, committee chairman and government

leader here. He has been in law and business and a leader in Canada-China commercial relations. He, and we his colleagues, have learned from all of this experience, and from his mistakes, which in an effort to be helpful, I have always been glad to draw to his attention and to that of anyone within earshot.

Since we first met in the 1960s, our paths have crossed from time to time in our respective various capacities. He leaves here with my warm goodwill and respect. We need more Jack Austins. I am sure there are more like him in British Columbia, and if honourable senators will please approve the constitutional resolution that he and I have co-sponsored, their number will increase and multiply.

Hon. Bill Rompkey: When I arrived on Parliament Hill in 1972, Jack was already here and had already had several careers. He had been a ministerial assistant, a senior bureaucrat and went on to become Principal Secretary to Prime Minister Trudeau. That was already enough careers for one man, but he and I were to serve in the Trudeau cabinet of 1980. I will never forget that 1980 election and campaigning in Labrador in February. As a Liberal I came to have a high regard for Bob Stanfield, particularly his long underwear.

• (1350)

Although we won the Atlantic, we were wiped out in the West, and Jack entered the cabinet representing B.C., but with many more responsibilities. We were thrown together again when he became Leader of the Government in the Senate and I was honoured to be his deputy leader. Perhaps it was our shared past, or our coastal origins, but we got along well together. Wacky Bennett and Joey Smallwood used to call themselves "the bookends of Canada." Jack was far from whacky and I was no Joey, but the chemistry was good and it worked well, in part because Jack knew so much about policy, tactics and law. Senators will remember his rather lengthy answers in Question Period that used to drive Senator Stratton wild, while I sat whispering to Jack to keep it up and use up more time. His knowledge came from such a wealth of experience. I used to quote to him from Goldsmith's *Village Schoolmaster*:

... words of learned length and thund'ring sound
Amazed the gazing rustics rang'd around;
And still they gaz'd, and still the wonder grew,
That one small head could carry all he knew.

Jack had a canny political savvy, too. He knew that politics is the art of the possible. Like Kenny Rogers, he knew when to hold 'em and when to fold 'em. When we were really stymied, we would fall back on our two favourite philosophers, Dr. Seuss and Yogi Berra. When Jack would ask me how things were going, I would remind him of Yogi's dictum: Predictions are very difficult to make, particularly when they are about the future. Jack would fold his arms, sit back in his seat with a smile of acceptance, and repeat the words of his granddaughter, who used to say to him, "Grampa, stuff happens."

Jack was a prodigious worker and many the weekend he spent away from his family and at his desk preparing for the next week's tasks assigned to him by the Prime Minister. I know how much families sacrifice for politicians, and I salute Natalie and the family for sharing Jack with us.

[Senator Hays]

One of our strength's in this chamber is corporate memory and acquired knowledge and experience. You cannot elect that and you cannot buy it; it is either there or it is not. With Jack's departure, we are losing one of our greatest assets. His retirement will leave a deep gouge in the bedrock of our competence as a chamber of sober second thought. However, I do not think for a minute he will truly retire. He will have many more careers and we wish him well in all of them.

Jack, I offer you a marine toast: Long may your big jib draw.

Hon. Mobina S. B. Jaffer: Honourable senators, today I stand to pay tribute to a man who is known as "Mr. British Columbia" — Senator Jack Austin. As a young lawyer, I used to hear many stories of Senator Austin from Chief Justice Nathan Nemetz and my law partner, Thomas Dohm. They spoke very warmly of Senator Austin as a lawyer, then when working with Mr. Trudeau and, finally, as a senator. I learned much about this illustrious senator from British Columbia.

Before I became a senator, I observed the varied career of Senator Austin, from working with Mr. Trudeau to doing extensive work in China at a time when there was not much interest in China or in the Pacific Gateway. In many ways, Senator Austin helped the Chinese to understand us and we to understand them. I know he will continue with his work in China, and he will keep educating all of us on our relationship with China and how we can work to make it even better and more beneficial.

On a personal level, when I was Canada's envoy to the Sudan, Senator Austin was a great supporter. He gave me the benefit of his years of experience and showed me ways that I could get the resources to continue my work. Among the things about Senator Austin that I admire the most are his ability to keep well-informed on a wide variety of issues and to make sure that he knows what is going on in all parts of the party.

He truly is an institution in this chamber, and in my city, and I am sure you will all agree. More than that, he is a British Columbia institution. We will all miss his presence here, but I am consoled by the fact that he will always be close by when we need him. Jack, we need your private phone number because there may be many things about which we will need to consult with you. You have an institutional memory that we will need to tap from time to time.

Thank you, Natalie, and Senator Austin for the 30 years of public service.

• (1355)

[Translation]

Hon. Rose-Marie Losier-Cool: Honourable senators, I, too, would like to add my words of tribute to those our colleague has received today.

[English]

Dear Senator Austin, I want to begin by thanking you. During my term as Government Whip, I had the privilege of being a member of your leadership team, also known as "The Troika." During what turned out to be a busy and demanding

parliamentary session, your vast experience and knowledge enriched my days and my work. Thanks in great part to you, our team — that Troika — was able to deliver the goods.

I am particularly grateful for the constant respect you showed me, confirming your well-deserved reputation as both a true gentleman and a political mentor.

On a lighter side, I confess to being repeatedly impressed by your unusual ability to quickly find the right piece of paper amidst that mountain range of documents that covered your desk. Perhaps your knowledge of the Rockies gives you that certain alpine edge.

I have learned much with you, Senator Austin, for which I shall always be grateful. I do hope, however, that I was able to repay that debt by teaching you a few French words.

[Translation]

Dear Jack, although it makes me sad to say goodbye to you, I am delighted to express my hope that you will take full advantage of your retirement, whatever you decide to do. Enjoy catching up on all those books you have been meaning to read, enjoy golfing and skiing, enjoy good times with your family, and may you laugh out loud every single day.

Congratulations on your splendid political career, and remember: some say there is life after politics.

[English]

Hon. David P. Smith: Fellow senators, at the risk of sounding old, perhaps even ancient, I too got to know Jack in the Pearson days, in the 1960s. In the 1960s, if anyone talked about the 1920s, one would think they were Neanderthal, yet it does not seem that long ago. Time does fly.

I have such vivid memories. I started on the Hill in 1964 as Keith Davey's right-hand guy, then Walter Gordon's executive assistant and John Turner's EA. Everywhere one went, Jack was there with Arthur Laing, "Mr. Liberal B.C.," the senior minister. They have a bridge named after him. One cannot go to the Vancouver airport without going over it, and I am sure Jack had much to do with that.

When Jack was young, he was a guru; he was a whiz. He was a Berkeley man, back in the Haight-Ashbury days, then a Harvard man, and it would be fair to say that he was wise when he was young. As time went by, he moved into that Solomon-like phase. He is even wiser now. We need a few people like that, and there are not very many of them. I had the good fortune to work with him in the Trudeau days as well.

Jack has always brought experience, political savvy and political instincts. One has to be born with it. It is like an ear for music; it does not come just from hanging around. He always brought a real understanding of the West, particularly B.C. and Alberta, and he has lived in both. That is reflected in the bill that he and Senator Murray have brought, and at the risk of throwing a few noses out of joint, I actually support that bill. I do agree with him; I think it is good legislation.

I do not want to overwork the word "legacy," but Jack, you truly will be leaving a legacy and a lot of friends and admirers who will miss you. I am one of them, and I hope our paths will cross often.

• (1400)

Hon. Jack Austin: Honourable senators, there is something sad and something very exciting about leaving. There is a big world out there and it is full of fun things to do. When your time comes, I will guide you in those exiting new challenges.

I have always spent my life enjoying transitions. You enjoy them because they happen to you. Things change, life is dynamic, and it is exciting to prepare for new challenges. I am looking forward to what will take place, whatever it will be, in the time ahead, but I want to make very clear to you that I leave with a tremendous sense of the value of this place and of the importance of the people here.

Time goes by so quickly when we are engaged in something we enjoy and believe to be meaningful. I have to ask you — and you know the answer: What greater challenge is there than public life? For over four decades. I have seen more aspects of human affairs and conduct than could be experienced in any other way. People with expertise from the public service, academic life, business and labour, the Aboriginal community, international and financial affairs and every other combination of human endeavour have come to us to tell us their stories, give us their views and share their knowledge with us. What an extraordinary gift to us and what a significant responsibility comes with it.

I very much appreciate the comments made about my family. I owe my family greatly for their undoubted support and even encouragement in the tasks of public office. My wife, Natalie, has been my biggest fan and critic, with better insights than most whom I have known in public life. My daughters, Edith, Sharon and Barbara, have somehow succeeded in building wonderful families and careers in spite of my absences, or perhaps because of them. Natalie's son, Richard, his wife, Cathy, and their children and her daughter, Jody, have been equally a part of my family life for 30 years. My sisters, Eva and Josie, and their families have remained close to me and shared my story from chapter to chapter. It will not be a surprise to anyone to hear me say that I owe them more than I can say or pay, and whatever good I have done by being here is equally to their credit.

There is another family, of course, to which much is owed, and that is the great family of the Senate. First, my thanks to all for the kind words that have been spoken here today. The Senate is always generous in its welcome to new senators and in its farewell to those who are departing. As we are not angels, there are times in between when passions run hot and words may be spoken that were hasty and unfair. If any here believe that there has been such behaviour on my part, I truly apologize.

It has been my good fortune to serve in Parliament with extraordinary people. My first political mentor and teacher was the Honourable Arthur Laing, who, in April 1963, became Minister of Northern Affairs and National Resources. In 1972, he was elevated to the Senate, with the designation Vancouver South, the same designation I adopted when I came here. His knowledge of British Columbia went back to the beginning of the 20th century. In April 1963, I became his executive assistant and

at the same time one of two legal advisers to the Honourable Paul Martin, Secretary of State for External Affairs, in connection with the Canada-United States negotiation to conclude the Columbia River Treaty. Paul Martin treated me with respect and consideration well beyond what my years called for. As all know, he later became Leader of the Government here in the Senate.

I have been guided and supported in the Senate by so many, both here now and over the past 31 years. From British Columbia, I want to mention Senators John Nichol, the late George van Roggen and Ray Perrault, who gave me remarkable insight and support as I started here. Senator Perrault was Leader of the Government in the Senate when I arrived. He was a great friend and later a cabinet colleague in Prime Minister Trudeau's last government.

Also from British Columbia, Senator Ross Fitzpatrick, who started at the same time as me, in April 1963, as Executive Assistant to the Honourable Jack Nicholson of British Columbia; and today, Senator Mobina Jaffer and Senator Larry Campbell bring strong service on behalf of British Columbia to this chamber. You have a lot of work to do.

Senator Michael Pitfield deserves more thanks from me than I know how to give. I am delighted he is here. We met in a massive quarrel over departmental reorganization and became fast friends as a result. He was then in the PCO as Assistant Secretary to the Cabinet for Strategic Planning, and he was creating a new ministry, the Department of the Environment. I was not opposed to a Department of the Environment, but as Deputy Minister of Energy, Mines and Resources I did not want to lose the water branch of my department —; which represented a third of my entire personnel. I lost it, but Michael Pitfield impressed me with his analysis, reasoning and plain good judgment. He later became Clerk of the Privy Council when I was Principal Secretary to Prime Minister Trudeau, and we worked closely together. When he agreed to come to the Senate in 1982, I was overjoyed to have the chance to work closely with him again and in the belief that he would do much to enhance the Senate and its capabilities. I have considered Senator Pitfield among my closest friends and a great public servant.

In the days when I was Principal Secretary to Prime Minister Trudeau, we had a very high-quality team in the Prime Minister's office. The evidence of that is here in the Senate. Senator Joyce Fairbairn was Legislative Assistant. Senator Colin Kenny was Director of Operations. Our recently retired colleague, former Senator Mike Kirby, was Assistant Principal Secretary for Policy and Planning.

Senator Segal: There appears to be a pattern. It may not strike anybody on the other side as relevant, but we notice it here.

Senator Austin: I am trying to be helpful.

I want to tell you that there is no doubt in my mind that their background in public and political affairs has served the public interest and the Senate at a most senior level of achievement.

During my political career in Mr. Trudeau's cabinet, I had the opportunity to serve with distinguished people, some of whom are here in the Senate: Senator Pierre De Bané, Senator Francis Fox, our Leader of the Opposition, Senator Céline Hervieux-Payette

— and I thank Senator Hervieux-Payette for her comments — Senator Serge Joyal, Senator Bill Rompkey and Senator David Smith, who recalled our service together. Again, their background in public and political affairs has served the public interest and the Senate in countless ways of significance.

I want to mention also my work with and respect for several long-serving senators with whom I have worked here for over 20 years. First, I want to mention Senator Charlie Watt, whom I met first in 1963 in a place called Fort Chimo, Quebec, where he served as a translator for his community. Honourable senators will indulge me if I tell a small story. I was accompanying Minister Arthur Laing on his first visit to Northern Quebec, and we met the elders of the community in Fort Chimo. Senator Watt was the translator. I discovered that, while Mr. Laing might speak for five, six, seven or eight minutes, Charlie would speak for one minute in translation. I asked him afterwards: "What were you telling them Mr. Laing was saying?" He said — and I apologize for this word if it is offensive: "It is all bullshit. It is all bullshit."

Thank you, Charlie. You and I have had a wonderful relationship since then.

My public life has been intertwined with Senator Pat Carney and Senator Gerry St. Germain of British Columbia, Senator Dan Hays of Alberta, who served us so well as a distinguished Speaker of the Senate, Senator Norm Atkins of Ontario and Senator Lowell Murray of Ontario, who was a very impressive Leader of the Government in Prime Minister Mulroney's era — and I thought, Senator Murray, you gave us more trouble than you should have done.

I want to mention also Senator Gerry Grafstein, Senator Anne Cools and Senator Peter Stollery of Ontario, Senator Eymard Corbin of New Brunswick, Senator Lucie Pépin of Quebec, Senator Catherine Callbeck of Prince Edward Island and Senator George Baker of Newfoundland and Labrador. Again, I tell you, I have served with these people in public life for more than 20 years. My point is that this chamber is composed of the finest political and public policy talent. They have experience, historic memory and a deep knowledge and commitment to Canada. Everyone here is a person with invaluable talents to devote to the well-being of Canadians. So far as I am concerned, the system works, and it works better than most Canadians have been allowed to understand.

• (1410)

Honourable senators, there are two very long-serving colleagues for whom I have reserved special mention. My relationship with Senator Marcel Prud'homme goes back 44 of the 45 years of his parliamentary career. I thank him for his unreserved love of Canada and his commitment to the federal system. He has fought many battles for his convictions. I might add, Senator Prud'homme, you and I travelled when we were very young to small communities in British Columbia, and you made a difference.

Then there is my old friend Senator Willie Adams, whom I met in 1964. He knows the old ways of the North and the new ways of the North, where he remains a very successful businessman. For some time past, as colleagues know, the longest-serving senator has been entitled "the dean of the Senate." This designation was

handed to me by Senator Herb Sparrow and today I transfer it to Senator Willie Adams with all the rights, titles and emoluments, if any, that go with it. Frankly, Herb Sparrow must have mislaid them.

No appreciation from me for old Senate colleagues could fail to recognize Senator Allan MacEachen, who was a great parliamentary teacher and the leading parliamentarian of his times.

Holding the responsibility of Senate government leader and Senate opposition leader is not an easy task. When I was government leader, I saw in my mind a picture of the rider with one foot on one horse and the other on a second horse running side by side. One horse is the institution of the Senate and its constitutional role; the other is partisan politics and party loyalty. Woe betide any leader whose horses run in opposite directions. My best wishes to Senator Marjory LeBreton and Senator Céline Hervieux-Payette as they ride their respective Senate horses.

I want to give heartfelt thanks to the staff of the Senate, headed by our clerk, Paul Bélisle, for a devoted and professional performance in backing up the Senate and the work of senators. If ever I had a reason to complain, it does not come to me now.

The Usher of the Black Rod, and his team, the pages, the committee and debates staff and the support of the parliamentary library are what make this institution the effective body I believe it to be.

Far from last is my thanks and appreciation to Len Kuchar, my Chief of Staff when I served as Leader of the Government and everyone who worked with him to serve me and the Senate; and of course, my Administrative Assistant, an all-round general of my office for 16 years, Sheila McCann. She had to put up with me, a workaholic, and survived and even thrived.

To Senator Bill Rompkey, Senator Rose-Marie Losier-Cool, and Senator Joan Cook, who were the leadership team with me in the Martin government days, my thanks for a job so very well done.

To Senator Noël Kinsella, now our Speaker, but then opposite me as Leader of the Opposition, my thanks for your understanding of this institution and your cooperation whenever your caucus permitted it.

A last word about this place. I have had thousands of conversations about the Senate. Boiled down to its essence, people recognize the value of a chamber of sober second thought. They like its present relationship to the House of Commons and to the provinces. They value the legislative and policy work we do and recognize there are people of talent, experience and integrity in this place at a level that might not be replicated by election. They do not want to change any of this, but they want the Senate to be elected. The democratic principle, in their view, requires it. That is the paradox I leave you. Good luck with it.

A last word about public life. It was never my intention to spend so much of my life in public service and politics. When Pierre Trudeau appointed me at age 37 to be Deputy Minister of Energy, Mines and Resources, I said I would go back to Vancouver after a five-year term. When that term ended, he invited me to go to the Senate. I said I would stay as long as

he remained Prime Minister. Six years after I came to the Senate, I was invited to Mr. Trudeau's cabinet. Then John Turner needed help after the 1984 election. When I next looked around, John Chrétien had become Prime Minister and assigned to me the task of rebuilding the Canada-China relationship. Then it was Paul Martin and back into the cabinet as Senate leader. Obviously, I am a guy who just cannot say no to public life and its challenges.

Finally, when people mention the horrible word "retirement," I tell them I am a lawyer, and like all other lawyers, having completed one file, I will go looking for other files. That is what lawyers do.

Thanks, everyone, for the memories, and bless you all.

Hon. Larry W. Campbell: I would like to add my two cents to what has been said about Senator Austin. One has to live in the great province of British Columbia to realize how important Jack Austin is to the province, where his vision and fingerprints are seen everywhere. From fisheries to Aboriginal affairs, Pacific trade and Senate reform, Senator Austin has served on every one of the committees and more.

I was not aware that he had attended school in Berkeley, but I now understand the source of his practical insight for drug policy. I can only hope that I can attain some of his wisdom, gain some of his knowledge, address some of his concerns and hopefully have some of his vision.

In British Columbia, a person like Jack Austin is described as "skookum," which is the First Nations word for "big," and Jack Austin fits that description perfectly.

All the best, Senator Austin.

[Translation]

ROUTINE PROCEEDINGS

CANADA ELECTIONS ACT PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-31, to amend the Canada Elections Act and the Public Service Employment Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[Senator Austin]

• (1420)

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:30 p.m., Tuesday, February 27, 2007, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[Translation]

QUESTION PERIOD

THE SENATE

CHANGES TO COMMITTEE LEADERSHIP— INDEPENDENCE OF SENATORS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, we have recently received two reports that reflect the seriousness with which senators on both sides of this chamber approach their work.

The first report, by the Standing Senate Committee on National Security and Defence, is up to that committee's usual high standards of quality, taking a look at the situation in Afghanistan and making specific recommendations to improve the chances for success of the Canadian Forces' mission.

The second report, by the Standing Senate Committee on Foreign Affairs and International Trade, makes pertinent observations and specific recommendations so that Canada and the international community can have a lasting, positive impact on the development of sub-Saharan Africa.

These two Senate reports have been hailed by the media and the general public. However, we are disappointed to learn that, in the middle of this session of Parliament, the government has decided to change the chair of one of these committees and the members of the other.

In light of the strange announcement that the chair of one these committees has resigned, can the Leader of the Government assure us that she will no longer give in to pressure from the Prime Minister's Office, that she will not allow the committees to become a forum for the Prime Minister's ideological message and, most importantly, that she will respect the tradition of independence of the senators who sit on Senate committees?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Hervieux-Payette for the question. Actually, this question is a bit beyond the scope of my responsibilities as government leader answering for the government in the Senate.

The fact is that when the new Parliament was established we negotiated certain chairs and deputy chairs and the makeup of committees. There were certain circumstances, which I will be happy to share with her personally, that caused us to require some changes. This decision was made by me in consultation with my leadership. It had nothing whatsoever to do with the Prime Minister or the cabinet.

I agree with her that the publication of these reports was well received. I am quite certain that the cabinet ministers who will be dealing with responding to those reports will take them very seriously.

[Translation]

Senator Hervieux-Payette: The Prime Minister began his term by choosing the media to which he would speak. He even insisted that his ministers and members of Parliament, as well as the presidents of crown corporations, including the president of the Canadian Wheat Board, not speak publicly.

Can the Leader of the Government in the Senate assure us, in response to my question, that she intends to maintain the independence of the chairs who sit on the standing committees?

[English]

Senator LeBreton: The premise of the question is absolutely false. Not one minister in our government is "muzzled." With regard to the changes that we will make or suggest be made to Senate committees, they relate simply to internal Senate government caucus matters. I would not for one moment question the right of opposition senators to change chairs, deputy chairs or the membership of Senate committees.

I am surprised that anyone would question our motives when we were simply making changes within our own caucus to address certain issues within caucus. The problem with a small caucus is once a change is made for a particular reason, it creates a domino effect and results in the need for other changes. However, it was in no way a reflection on the Senate or its committees. We simply acted in good faith.

Honourable senators, I wrote to Senator Hervieux-Payette advising her of these changes. I simply thought this change would be something that we could do, as could Senator Hervieux-Payette with her own committee members. There is precedent for it. I am surprised that this has become an issue, when we were merely acting in good faith based on the decision of our leadership to make a few changes, one of which resulted in another. It was as simple as that. There was no ulterior motive.

[Translation]

Senator Hervieux-Payette: I am sorry, but when a new session begins, negotiations take place, there is a process and a tradition concerning the selection of committee members. Each party does its share in the process.

In contrast, it is entirely unusual to proceed in this way in the middle of a session, once work has already begun and studies are underway. This is not a traditional way to proceed.

I indeed received the letter from the Leader of the Government in the Senate. However, there is a process in place concerning the selection of committee members and it is not sending me such a letter. Instead, we should meet and negotiate concerning the future of these committees. Thus far, I have not received any invitations to meet for that purpose. I am simply asking the Leader of the Government in the Senate to limit herself to the customary procedures of the beginning of a session.

[English]

Senator LeBreton: In the letter, I stated that I would be very happy to further discuss this matter with the Leader of the Opposition if it was her wish. Obviously it was not her wish because I did not hear back from her.

The fact is that at the beginning of this Parliament we negotiated certain chairs and deputy chairs, and an agreement was reached between the leadership. I would never suggest to the opposite side who they might appoint as chair or deputy chair of a particular committee. That is their prerogative, and I would expect that our wish to make these changes would be respected.

Honourable senators, I am respecting the procedure in the Senate. There are all kinds of precedents for committees to change their membership and, in fact, the chairs and deputy chairs. Our desire to make minor changes is based on decisions by our leadership after consultation with our caucus and after informing the various people involved. With all of the issues that are urgent and pressing in this country, I am quite surprised that the Leader of the Opposition would think that this is a matter of great public concern to be raised on the floor of the Senate.

Hon. Larry W. Campbell: Honourable senators, I have a supplementary question. Could the Leader of the Government tell us if the so-called minor changes — the resignation of Senator Segal as Chair of the Foreign Affairs Committee and the removal of Senator Cools as Deputy Chair of the National Finance Committee — were also as a result of caucus decisions?

• (1430)

Senator LeBreton: I thank the honourable senator for that question, but I will not answer it as this is an internal caucus matter. As Leader of the Government in the Senate and with the help of my colleagues on the leadership team, we came to a decision, and I will not put myself in a situation where I am discussing private decisions and matters of our caucus on the floor of the chamber.

COMMITTEE REPORTS—
EXPRESSION OF MINORITY VIEWS

Hon. Marcel Prud'homme: Honourable senators, today is February 21 and I will ask Senator Segal a question as if he were still chair of the Standing Senate Committee on Foreign Affairs and International Trade. He is the chair until 4 o'clock this afternoon. After that time, he will no longer be chair and perhaps he will not answer my question. If not, I will make a comment to the leadership.

As chair of the House of Commons Foreign Affairs and National Defence Committee, I established the practice of allowing minority views in a report. The committee published a good report on Africa, but nowhere did the press mention the two strong dissenting views of Senator Andreychuk and Senator De Bané. Their views were not allowed to be published in the report.

Would it not be wise for any future chairman to allow minority views to appear in reports? Would it not be wise especially since we are waiting for an extensive report on Lebanon? In the old days, I followed the Supreme Court procedure and allowed minority views to be expressed in reports. Often minority views become majority views.

This procedure was accepted in the House of Commons many years ago and after much debate. I commend the procedure and suggest that it be followed, particularly concerning the report on Lebanon.

I ask the question of the ex-chair and the leadership, that minority views be published so we can have a more complete picture of the study, especially on Lebanon.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I could not agree more with those comments.

I think when a minority opinion is expressed in any committee, when the committee reports on its deliberations, the chairman and members owe it to those who have expressed a minority view to not only report the majority view but also draw attention to the dissenting view. I absolutely agree with Senator Prud'homme.

CHANGES TO COMMITTEE LEADERSHIP

Hon. Sharon Carstairs: I have a supplementary question for the Leader of the Government in the Senate. She has repeatedly said two things that I must call into question: first, that this was an internal party matter, a caucus matter and, second, that there is a great number of precedents.

First, this is not an internal caucus matter. This is a Senate matter. It may come as a surprise to the honourable leader that chairs of committees are chosen by the membership of the particular committee. It may have been determined beforehand that those chairs will be this person or that person, but the actual election of that individual takes place in the committee. That makes it Senate business.

Second, I have been here for 12 years. I have not been here during the whole history of the Senate, but I cannot give a single example of when two chairs of two committees, let alone deputy-chairs of committees, have been removed at the same time.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I am well aware of the procedures. It is true that, technically, the chairs and deputy-chairs are always chosen within the committee by agreement beforehand. That exchange happened with the former Leader of the Opposition.

There were circumstances within our own caucus that required some changes. Unfortunately, when you make one change, it results in another change, as the honourable senator well understands.

• (1435)

That is all I will say about it. This matter was decided by me and the leadership in our caucus because I have a responsibility for my caucus here in the Senate. My decision was taken after consultation with the leadership, and it was not something I did without speaking to the individuals involved. Frankly, that is all I will say about the matter.

Hon. Tommy Banks: Honourable senators, I would like to direct a matter of clarification to the leader. Perhaps I misheard, but earlier in one of her answers to the Leader of the Opposition she said that the changes to which we are referring were not her decisions. Later she said they were her decisions. Is the latter one correct, the most recent one, that these were her decisions? I thought I heard her say earlier they were not her decisions.

Senator LeBreton: I think the honourable senator did not hear correctly because I said this was a decision made by me, as Leader of the Government in the Senate, after consultation with the leadership, that had nothing to do with anyone else. I made it after consultation within my own leadership and caucus. The individuals who were involved in this matter were also contacted and consulted.

Frankly, this is just making the point again about how this Senate views itself. I think that I am actually within my right. People can challenge my leadership if they wish; that is their choice. However, I made this decision in consultation with the leadership of our caucus and after discussing the matter with the individuals involved.

[Translation]

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ABORIGINAL HEALING FOUNDATION—
SHORTFALL IN FUNDING

Hon. Roméo Antonius Dallaire: Honourable senators, I would like to continue the debate on the reason why the Chair of the Standing Senate Committee on Foreign Affairs and International Trade had to resign from his position. However, I would like to draw your attention to another topic that I also consider very important.

[English]

I am not sure if the honourable leader is familiar with the Aboriginal Healing Foundation. It is a federal foundation for the healing of victims and people intergenerationally impacted by the Indian residential school legacy of physical, sexual, cultural and psychological trauma and abuse.

This foundation funds 144 projects across the country and involves tens of thousands of Aboriginal people. The foundation will run out of funds on March 31, 2007. I understand that \$125 million has been committed to the Aboriginal Healing Foundation, but it is not available until the end of 2007 because it is being held up in Treasury Board.

A very fine gentleman, Minister Jim Prentice — a good, honest and transparent man — committed himself publicly to finding a solution to this funding gap. These shops will have to be closed down on March 31 until the new money comes in at the end of 2007. We are talking about \$125 million. He even said:

As you know, the healing foundation . . . is an important part of the settlement. It's therefore structured into the settlement . . . and if a decision is not announced immediately, I will deal with it.

Honourable senators, why is this allocation of money hung up in Treasury Board, when we literally will throw into the street tens of thousands of Aboriginals and all those who have been working for nearly nine years assisting them?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for that question. In his preamble, when he addressed the issue of the report on Africa, the fact of the matter is that the decisions made were made by me and within the leadership of this caucus before I was even aware of the report or the content of the report on Africa, so the report had absolutely nothing to do with the decision.

• (1440)

With regard to the question on the healing centres, I will take that question as notice and get a speedy answer for the senator.

Senator Dallaire: Honourable senators, on a supplementary question, the whole healing process was built on a fund of about \$350 million. It costs about \$40 million a year to run it and it has been going for nearly 10 years.

It is interesting that we put a time limit on the Aboriginal people who lived these traumas. We say that they have suffered and we will help them; but although they are psychologically affected, our help will last for only 10 years, possibly a couple more, with the new solution. Our treatment of veterans, who suffer the trauma of war and conflict is much different; we commit ourselves to a lifelong process of assisting them and their families through their traumas.

Why do the Aboriginal people, with their traumas that we White people created, have such a short timeline? Is it because they are smarter and able to react to treatment more quickly, or is it because we are too mean as to not consider the lifelong impact on them and their families?

Senator LeBreton: Honourable senators, as in many cases, we should not be sending alarmist signals. Minister Prentice made a commitment to resolve this issue. He has been absolutely stellar in

his performance as the Minister of Indian Affairs. If he made a commitment to address this issue, I have every confidence he will do so.

However, as I said in my earlier answer, I will certainly ensure that the senator's concerns are expedited and that an answer is given to him as quickly as possible.

FOREIGN AFFAIRS

RUSSIA—OFFER OF ICE BREAKING SERVICE TO CHURCHILL, MANITOBA

Hon. Mira Spivak: Honourable senators, the Government of Russia has offered to help Canada extend the shipping season at our northernmost port, the Port of Churchill. The benefits to both countries are obvious; the Churchill-Murmansk route cuts four days off the sailing time up the St. Lawrence Seaway to Thunder Bay for Russian ships. It has the potential to make Churchill a thriving port, with all the attendant economic benefits to Manitobans in the North and the South.

Russia offered to use ice-breaking ships based in Murmansk to break up the ice around Churchill. This is a generous offer, given the fact that our Coast Guard could not respond to an ice-breaking request last November, and given what the Auditor General had to say about the Coast Guard's fleet maintenance — in particular, the icebreaker *Louis S. St. Laurent*.

As the government continues to invest \$250,000 a year to market the Port of Churchill, my question for the Leader of the Government in the Senate is simple. Is it viewing this offer favourably, and will it work with the parties to see the shipping season extended?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The Port of Churchill is a very important port. Certainly, the Minister of Agriculture, who is from the West, has heard a great many representations on expanding and using that port.

In terms of the offer from Russia, I will take that as notice. It will be, obviously, a matter for the Foreign Affairs Department. I am sure they are dealing with it and I will take the question as notice.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—EFFECT OF CHANGE TO MANDATE ON CHURCHILL, MANITOBA

Hon. Mira Spivak: Honourable senators, on a supplementary question, the Churchill Gateway Development Corporation that received federal funds favours this solution. At the same time, it is concerned about the long-term viability of its major user, the Canadian Wheat Board, which last year, passed some 500,000 tonnes of grain through the port. Should the mandate of the Wheat Board change it will affect the corporation. The Canadian Wheat Board is obligated to use the least costly route, but private companies, if producers sell outside the board, will be prone to use their elevators and facilities in Thunder Bay or wherever they can maximize their profits.

Has the government considered the unfavourable impact on the Port of Churchill and the Manitoba economy of its policy on changing the mandate of the Canadian Wheat Board?

• (1445)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The issue, in terms of wheat and barley production, has been one of marketing choice. It has never been the government's intention to close the Wheat Board. The Wheat Board is one of the choices that producers will have. Obviously the Wheat Board will still play a major role, and I would expect that they would still move much of the product through the Port of Churchill.

The honourable senator raised a concern about other marketing choices and that people may use other means to ship wheat. I would like to have a little more faith in the people of Churchill and the Wheat Board to continue shipping through the port.

The specific question as to whether there has been an impact study of the potential gains or losses for the Port of Churchill under a new marketing regime is a valid one. If impact studies have been done, I would be happy to provide them to the senator.

Senator Spivak: If there are changes to the Wheat Board, there will definitely be a change in the amount of shipping. Many of the northern communities are concerned that the railroad line that runs between Winnipeg and Churchill may close. A great many of these communities met recently to discuss this issue, and I would hope the Leader of the Government in the Senate would communicate their concern to her colleagues.

Senator LeBreton: When there is a change of policy, especially if the producers do decide to choose the marketing option, obviously there are impacts on many areas. It is possible that an impact study was done with regard to the potential for the rail line, and I will certainly add that to the other questions.

ATTORNEY GENERAL

AIR INDIA INQUIRY— PUBLICATION OF LIST OF WITNESSES

Hon. Mobina S. B. Jaffer: Honourable senators, my question is for the Leader of the Government in the Senate. In 2001, I know that the honourable leader heard my anguish regarding the Anti-terrorism bill, Bill C-36. The week that I should have had as the best week in my life, I was very distraught that my husband was called a terrorist. At that time, I was told that is just life, things are tough, just put up with it.

I am very saddened that today in the *Vancouver Sun* the father-in-law of the Member for Mississauga—Brampton South in the other place was named as being on the RCMP's potential list of witnesses at investigative hearings designed to advance the Air India criminal probe. As the honourable leader knows, applications for investigative hearings must be approved by the Attorney General. Why are these names, part of a potential list of witnesses, being leaked to the media? Is this the government's attempt to politicize this issue?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not know what my honourable friend is talking about. I have not read the article. I do not know which member of Parliament she is referring to. However, the issue of whether the media has information that has been leaked. I do not know the story she is referring to, nor do I know the source of the information or whether, in fact, it is actually true. If the honourable senator can provide me a copy of the newspaper article, I will be happy to make inquiries.

• (1450)

Senator Jaffer: Honourable senators, my supplementary question is for the honourable leader. It arises from an article in today's *Quorum*, at page 21, where it says, "Liberal MP's in-law interviewed in Air India case:"

I respect that the honourable leader is not familiar with the issue so I humbly ask that she read it and let the house know what is happening and why names are being leaked to the media.

Senator LeBreton: Honourable senators, I thank Senator Jaffer for that question. No one in public life, whether in government or other walks of life, can be completely responsible for stories that journalists write. I have not had an opportunity to read today's *Quorum* but I will make a point of doing so today to learn whether there is mention that it was the source of a leak.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PLEBISCITE FOR BARLEY PRODUCERS

Hon. Daniel Hays: Honourable senators, my question is to the Leader of the Government in the Senate. It has come to public attention that the 2001 Western Canada Barley Plebiscite ballot has identified by number the person who is eligible to vote and the same number without the name appears on the ballot. The Leader of the Government will surely agree that this is unacceptable in that it allows the identification of those who have voted and the possible misuse of information on how they voted.

Can the Leader of the Government advise the house whether anything is being done to prevent this possible misuse and, as well, what could be a potentially embarrassing and unacceptable situation for the government and the people involved in the plebiscite?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Hays for that question. I understand that the voting is being conducted by KPMG, which is a reputable accounting firm. I would assume that the vote is being conducted by secret ballot. Therefore, I will take the honourable senator's question as notice to determine whether that is the case.

[Translation]

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Consiglio Di Nino moved the third reading of Bill C-16, to amend the Canada Elections Act.

He said: Honourable senators, I am pleased to begin the debate at the third reading stage of Bill C-16, to amend the Canada Elections Act, which will establish a fixed date for general elections.

The testimony heard by the committee indicates that almost all stakeholders support this bill. Its provisions have been deemed constitutional and its underlying objectives have generally been undisputed.

In my brief remarks, I will highlight once again the reasons why this bill was put forward.

[English]

Bill C-16, which was passed in the other place with all-party support, would establish a firm expectation about the timing of general elections, which will curtail the ability of the prime minister of the day to call an election whenever he or she deems it politically expedient. Greater predictability of election dates will provide for more fairness in election campaigns, giving all parties an equal opportunity to prepare in advance. Fixed date elections will also provide for improved administration of the electoral machinery of Elections Canada.

Parliamentary committees and Parliament as a whole will be able to plan their agendas in advance with greater certainty, allowing legislators to do the people's business in a more efficient manner. Elections will be held in October, except in cases when a government loses the confidence of the House of Commons. Fixed date elections may result in higher voter turnout. Weather will generally be favourable, fewer people will be transient, and citizens will be able to plan to be available to participate in this essential exercise of democracy.

Indeed, the experience of British Columbia's first fixed date elections in 2005 witnessed a higher voter turnout. This first increase in five elections was admittedly small but was especially noted among young voters, according to B.C.'s Deputy Chief Electoral Officer, Linda Johnson.

Finally, fixed date elections will encourage more qualified candidates for office to step forward. Greater predictability in election dates will make it easier for those who wish to enter into public life to plan ahead to make that important commitment.

Speaking in support of Bill C-16, Professor Henry Milner best captured the spirit of the bill. He said:

It may seem rather a simple point to make, but it is useful to make among people who spend their time inside the walls

of Parliament that elections are really for people, for voters, for citizens, and only secondarily for politicians.

He went on to say:

If you are a citizen you would like to know when the next election will take place. It is as simple as that.

[Translation]

Honourable senators, the bill presented to us was carefully drafted to respect the principles of responsible government.

These principles include the government's obligation to retain the confidence of the House of Commons and to respect the constitutional power of the Governor General to dissolve Parliament.

Bill C-16 explicitly states that the powers of the Governor General are preserved.

[English]

During the Senate committee hearings on Bill C-16, there was some discussion on the bill's constitutionality. Among other questions, it was asked whether Bill C-16 constitutes an amendment to section 50 of the Constitution Act, 1867, or to section 4 of the Canadian Charter of Rights and Freedoms. A range of experts were heard from and there was general agreement that this was not the case. Two of our country's eminent constitutional legal experts, Professors Peter Hogg and Patrick Monahan, both argued convincingly that those provisions are designed to ensure that the government submits itself to an election within a reasonable period. That, colleagues, is exactly what Bill C-16 is designed to do.

It creates a statutory expectation that political actors and administrative officials will commit to having elections on a fixed date every four years. This is all within the framework of the Constitution and the rules and conventions of parliamentary and responsible government. This was a proposition with which the constitutional experts who appeared before the committee took no issue.

[Translation]

Honourable senators, allow me to now describe what the bill does. It is relatively simple but important.

Bill C-16 provides that the next general election will be held on Monday, October 19, 2009.

Naturally, this presupposes that the government is able to retain the confidence of the House until that date.

Otherwise, a general election will be held according to the usual practice. The following election will be held on the third Monday of October in the fourth calendar year following the preceding elections.

The third Monday of October was chosen for several reasons: it was the date most likely to result in the largest voter turnout and the least likely to conflict with a day of cultural or religious significance or elections of other administrations.

• (1500)

[English]

In the event that the stipulated polling date is not suitable for that purpose, including by reason of its being on the same day as a day of cultural or religious significance, or an election in another jurisdiction, there is a provision addressing such a potential conflict. If the Chief Electoral Officer is of the opinion that the Monday polling day is not suitable for that purpose, he or she shall recommend an alternative polling date to the Governor-in-Council, who then may make an order to that effect. The alternative day will be either the Tuesday or the Monday following the Monday that would otherwise be polling day.

Honourable senators, an Ipsos Reid poll from June showed that 78 per cent of Canadians support the establishment of fixed-date elections. They are already in place in British Columbia, Ontario and Newfoundland and Labrador.

I invite honourable senators to support the passage of Bill C-16 to deliver this long-overdue reform.

On motion of Senator Joyal, debate adjourned.

STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

REPORT OF HUMAN RIGHTS COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Human Rights, entitled: *Employment Equity in the Federal Public Service — Not There Yet*, tabled in the Senate on February 20, 2007.—(Honourable Senator Andreychuk)

Hon. A. Raynell Andreychuk: Honourable senators, yesterday, the Standing Senate Committee on Human Rights tabled its report entitled *Employment Equity in the Federal Public Service — Not There Yet*. Since November 2004, the members of the Standing Senate Committee on Human Rights have been examining issues of alleged discrimination in the hiring and promotion practices of the federal public service and studying the extent to which targets to achieve employment equity for minority groups are being met.

The committee wishes to thank the researchers, the members of the committee — both those who were there at the start of the study and the present members — and all those witnesses who appeared before us to assist us in this study.

The Employment Equity Act first came into force 20 years ago and was designed to overcome impediments in hiring women, Aboriginals, persons with disabilities and visible minorities in the federal public service.

In the course of our study, the committee has learned that the public service has reached some of its goals for hiring women, Aboriginal peoples and persons with disabilities. These groups are

now represented within the federal public service at a rate that is higher than their workforce availability.

However, the public service has still not yet met its goals for hiring visible minorities, who continue to be represented at less than their workforce availability.

The government set a target through the Embracing Change initiative to hire one in five visible minorities by 2003 and set a one-in-five benchmark by 2005 for executive hiring. The plan also dealt with issues such as promotion and the career development of visible minorities, as well as measures for developing a more inclusive and supportive culture in the federal workplace.

Yet, according to witnesses who appeared before the committee, in 2006, representation of visible minorities in the public service was 2.3 percentage points lower than their workforce availability — 8.1 percent of the federal public service compared to 10.4 per cent of their workforce availability. Furthermore, from 2000 to 2005, while applications from visible minorities averaged over 25 percent, this group received only 10 per cent of appointments.

In addition, people from all four of the designated groups continue to be underrepresented in the executive ranks. According to the Public Service Human Resources Management Agency, in 2004-05, only 5.1 percent of the executives within the federal public service were visible minorities; 5.5 percent were persons with disabilities; and 3 percent were Aboriginals. As of March 2006, women held only 38.7 percent of executive positions. These numbers make it clear that while progress is being made, there is still much work to be done.

Based on our study of the issue, the committee members believe that the one-in-five employment target for visible minorities is appropriate and should not be lowered. The committee did not hear any testimony from witnesses that the targets set by the public service were not achievable.

The public service has demonstrated that it could reach and indeed exceed targets for the other three designated groups — women, Aboriginals and persons with disabilities. Given the committee's ongoing mandate, we will be following up on these issues with the relevant officials in the near future.

The committee recognizes that the government has put initiatives in place that are going in the right direction, but they are not doing it effectively enough or fast enough.

In our report, the committee makes three recommendations to tighten the process of hiring visible minorities in the public service and to promote more people from designated groups into the executive ranks.

The first recommendation is that as a next step toward strengthening leadership and enhancing management and executive accountability, the bonuses of deputy ministers be tied to performance assessments in terms of progress on diversity and employment equity goals.

The second is that the federal public service develop more concrete means to implement its action plans to ensure equal access to executive positions and all occupational categories for each of the designated groups.

• (1510)

The third recommendation is that the federal public service adopt policies to remove systemic barriers that exist within hiring and staffing processes. This plan should include the following: a communication strategy geared toward reaching out to different populations across Canada; enhanced strategies to acquire and maintain external candidates, including enhanced outreach efforts to help such candidates understand the federal public service hiring process, research and analysis into the underlying causes of drop-off rates, and increased emphasis on recruitment programs such as the Post-Secondary Recruitment Program; support for official language training, particularly within immigrant communities; and minimizing the use of temporary contracts.

When referring to systemic barriers, our committee relied on the definition of systemic discrimination adopted in the Supreme Court of Canada's 1987 decision, *C.N.R. v. Canada (Human Rights Commission)*. Citing the Abella Report on equality in employment, the Supreme Court defines systemic discrimination in an employment context as follows:

... discrimination that results from the simple operation of established procedures of recruitment, hiring and promotion, none of which is necessarily designed to promote discrimination.

Such procedures may apply equally to all but may, nevertheless, have a negative effect on a particular group.

The federal public service has demonstrated that it can reach its targets. This is no time to lower the bar. The public service needs to continue working on fostering a culture of respect and on transforming corporate culture.

The committee was not at this time preoccupied with new laws. We were preoccupied with implementation. As the largest employer in the country, the federal public service should be representative of the public it serves and should be providing leadership for businesses in other sectors.

Honourable senators, I trust that this report will be taken into account by the government.

On motion of Senator Tardif, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO STUDY STATE OF EARLY LEARNING AND CHILD CARE

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Munson:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine the state of early learning and child care in Canada in view of the OECD report "*Starting Strong II*", released on September 21-22, 2006 and rating Canada last among 14 countries on spending on early learning and child care programs, which stated "... national and provincial policy

for the early education and care of young children in Canada is still in its initial stages ... and coverage is low compared to other OECD countries;" and

That the Committee study and report on the OECD challenge that "... significant energies and funding will need to be invested in the field to create a universal system in tune with the needs of a full employment economy, with gender equity and with new understandings of how young children develop and learn."—(Honourable Senator Comeau)

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

IMPACT OF CHARTER OF RIGHTS AND FREEDOMS ON RIGHTS OF CANADIANS AND PREROGATIVES OF PARLIAMENT

INQUIRY—DEBATE ADJOURNED

Hon. Hugh Segal rose pursuant to notice of November 29, 2006:

That he will call the attention of the Senate to the impact that the *Charter of Rights and Freedoms* has had these past 24 years on the rights of Canadians and the prerogatives of the Parliament of Canada.

He said: Honourable senators, this year will mark the silver anniversary of the patriation of the Canadian Constitution when the Constitution Act was signed by her Majesty in April of 1982, but I daresay that celebrations may focus less on the "bringing home" of the Constitution and more on the Charter of Rights and Freedoms.

Public perception has distorted history, and many Canadians today believe that the Charter itself was the central thematic or core motivation of the patriation process and that we had no rights and freedoms before the Charter itself was brought in. In truth, however, the Charter discussions actually came later to the constitutional negotiating table. The fact is that the Charter exists because of constitutional patriation. Patriation, however, might well have been possible without the Charter.

As we prepare to celebrate 25 years of patriation, I believe it is also an opportunity for us to reflect on the Charter of Rights and Freedoms, ask ourselves some tough questions and determine whether legislators have used the Charter in the public interest advantageously, or have legislators, perhaps at all levels, abrogated their responsibilities and used the Charter as an excuse to delay difficult or controversial discussions?

I am a supporter of the Charter of Rights and Freedoms, and as a member of the then Ontario constitutional negotiating team, I saw the merits of its inclusion in the patriation process from the beginning, but the Charter was not a vacuum-filler. Canada was definitely not bereft of rights and freedoms prior to 1982. The Canadian Bill of Rights passed in 1960 by the government of John Diefenbaker, while not a constitutional provision, provided a

basis for interpretation of legal and legislative issues in the courts for more than 20 years before the Charter. Canadian courts and legislators had for decades attempted to uphold the rights of freedom of expression, religion and association based on British and Magna Carta principles of *habeas corpus* and natural law.

With the advent of the Charter, however, the role and responsibilities of Canadian courts changed dramatically. They were no longer simply arbiters of conflict but entered into an arena previously considered political — the interpretation and constitutionality of the provisions of the Charter.

Critics of the Charter often use this as an example of the Charter's negative influence on legislative jurisdictional authority and are critical of the so-called activist, unelected courts. Is this really fair? Courts only answer questions that they are asked. We should ask whether, conversely, legislators unwittingly or sometimes wittingly use Charter provisions to avoid or delay difficult discussions on politically sensitive issues. Has the process of governance at the legislative level, provincially and federally, included a backing away from difficult decisions because of Charter implications and, more directly, because of the resistance to using the notwithstanding clause in section 33 of the Charter, without which there would have been no Charter and no patriation at all?

• (1520)

The notwithstanding clause was advanced in the negotiations by Saskatchewan and Newfoundland during the final part of the negotiation process. Its express purpose at the time was to allow governments to target social programs — to provide, for example, as Premier Blakeney said, specific programs for aboriginal youth without being found guilty of discrimination.

Failure to use the notwithstanding clause has made it an unwelcome part of the political process. The notwithstanding clause was never about diminishing rights; it was about keeping parliamentary sovereignty in the game, blending the British system of parliamentary supremacy with the French Napoleonic system in order to compete with the Americanization effect of the Charter itself. Without this bridging provision between unelected courts and Parliaments there would not have been a Charter. The public scepticism of the use of the notwithstanding clause may have been born because parliamentarians have not effectively respected some of the values of the Charter. In a wonderful piece of research by Janet Hiebert of Queen's University entitled *Wrestling with Rights: Judges, Parliament and the Making of Social Policy*, she states:

Scepticism of the notwithstanding clause may be well-founded if Parliament does not pay due regard to the values of the Charter when developing legislation. If however, legislative decisions are based on careful and sensitive consideration of how best to balance conflicting rights and values, and these decisions are nevertheless, invalidated by the judiciary, the override might have greater acceptance.

Today's reality sees Canadians more trusting of the Charter and the courts than they are of legislatures and politicians. Parliamentarians need to get back into the narrative and debate on rights and not shy away from difficult or controversial debates. The Charter is not a screen to hide behind when considering new legislation.

One of the most glaring deficiencies on the part of lawmakers is the complete lack, Canada-wide, in this chamber and in legislatures across the country, of formal Charter committees to pass judgment on legislation before it is passed on back to the executive branch. We do not in any formal way, consider Charter issues when laws are introduced and subsequently passed.

Senior law officers of the Crown give advice to the Attorney General, to cabinet and to various other ministers, but they do not give formal advice to committees of this place or the other place with respect to the Charter acceptability or viability of any piece of legislation that might be considered here. There is no formal mechanism for ministers or Attorney Generals to formally advise Parliament or legislatures about Charter acceptability, and there is no formal body undertaking a review of Charter acceptability at any level. The absence of these legislative parliamentary committees has the unwitting effect of increasing the courts' work. When judgments are reached, we are quick, or some are at least, to criticize the decisions, although the responsibility to ensure acceptability was actually that of the lawmaker *ab initio*. Legislators are paid to put forward acceptable legislation, yet judges are being forced to do some of the work.

In this chamber, we review potential legislation with a mandate to scrutinize and improve where possible. Twenty-five years later, and with the criticism still abounding regarding the role of the judiciary, perhaps consideration might be given on this twenty-fifth anniversary to establishing a Charter committee in this chamber. As the chamber of sober second thought and with a mandate to review pending legislation, could this body not also provide an opinion, and might I add an informed, professional one, regarding the Charter acceptability of pending legislation? In a parliamentary democracy, Parliament should be making well-informed decisions long before the courts are called on to remedy laws gone bad.

I ask honourable senators to consider how the Charter has worked, the good and the bad, and contribute to the discussion of what we now know in hindsight and where we should be headed in the future. I also hope that we find a chance as a chamber to reflect on how to improve the dynamics and the nature of the relationship between the individual, the constitution, Parliament and the judiciary.

This year, we are celebrating a quarter of a century of formal Canadian constitutional sovereignty, which of course formalized the Statute of Westminster in 1931, which conveyed the actual instruments of sovereignty. We are celebrating under a Conservative Prime Minister, I point out, just as a matter of history. We are celebrating the twenty-fifth birthday of the Charter of Rights and Freedoms.

The Constitution Act, 1982, enabled the Charter to become a reality and not the other way around. As the other place considers legislation, as we will soon, with respect to matters related to the protection of society from terrorism, let us reflect upon how the notwithstanding clause might have made the anti-terrorism legislation more clearly defined. That anti-terrorism legislation was brought in by the previous administration and had they used the notwithstanding clause they might have more clearly defined it as an exception to the principles of freedom and presumption of innocence and how much easier that would make our debate on that matter in this place today.

Hon. Joan Fraser: I thank the honourable senator for launching this inquiry. I can hardly think of a more suitable subject in which this chamber should become engaged. I do not know whether Senator Segal has had a chance to go back and look at the transcripts of the hearings of the first committees of this place that looked at the anti-terrorism legislation when it was being brought in.

What I say now has nothing to do with the merits or otherwise of preventive arrest and investigative hearings. It was my understanding at the time as a member of the committees that did that examination that we were told by the relevant ministers, and particularly the then Minister of Justice, that of course they could have used the notwithstanding clause, but they did not want to do that. They wanted to subject the whole bill to the Charter. They did not want to suspend any part of it from the application of the Charter. I just wonder whether the honourable senator had been aware of and considered that information.

Senator Segal: I did read the transcripts. In fact, in my private life, when I was working in the research business in Montreal, I had occasion to talk with senior law officers of the Crown around that time. I asked whether this would not be an outstanding opportunity to use the notwithstanding clause so everyone understood that any dilution of freedom implicit in the legislation was reflective of a very specific and defined circumstance. Their response was quite consistent with the response that the Senate committee was given, namely, that they believed they could craft legislation that was utterly Charter-proof. We found out in the courts that that was not quite as precise as they had hoped; although I am sure their intention was quite positive.

The proposition I am suggesting for colleagues to reflect upon is whether or not we should have a Charter committee that looks at legislation specifically from the point of view of the Charter, which is not to suggest that standing committees do not now look at legislation from that perspective, as well as others. A committee could be focussed utterly on this and develop the legal expertise, or acquire any necessary outside counsel, or perhaps from internal resources. One of the functions the Senate could play in the constructive legislative process would be to point out where we think there may be Charter snafus that have not been addressed prior to a law being proclaimed and put into effect. That is the substantial nature of the proposal.

Hon. Serge Joyal: I congratulate the honourable senator for his intervention today. It is most opportune. Earlier, in our Order Paper there was a motion from Senator Andreychuk calling upon this chamber to implement the substance of the Charter of Rights and Freedoms. I believe it is part of the same general objective that this house should have in mind.

I would like to bring to the honourable senator's attention, in the book that we published in the Senate with the help of Senator Murray and Senator Pitfield, page 123 and the words of Professor Rémillard under the heading "Ensure Compliance with the Canadian Charter of Rights and Freedoms."

• (1530)

Likewise, the advent of the *Canadian Charter of Rights and Freedoms* in 1982 also had an impact on the Senate legislative work. When a bill becomes the subject of concern

in Senate committees, it is very often because that bill involves the Charter. In a number of cases, the Senate has made amendments to remedy perceived Charter problems, and the House of Commons has passed them. Examples of these include the *Act to amend the Judges Act* (1999), the *Act to amend the Canada Evidence Act*, and the *Canadian Human Rights Act* (1998). In the fall of 2001, the Senate formed a special committee to study the new anti-terrorism measures contained in Bill C-36. Its concerns about the protection of individual rights induced the government to rethink certain measures.

In 2001, the Senate established a Standing Committee on Human Rights, confirming its new role as a Charter watchdog. This role is particularly well suited to the Senate and should occupy it increasingly, given the tendency of various governments to legislate on very delicate matters such as privacy. The bioethics sector is another field which should be the subject of special studies in the Senate since it will be the focal point of our social debates in the coming years.

The problem we encounter, honourable senators, in the Standing Senate Committee on Legal and Constitutional Affairs — and I have been a member of that committee for the last 10 years — derives essentially from the privileged relations between the Minister of Justice and his advisers. According to the Department of Justice Act, the Minister of Justice must certify that a bill is Charter-proof. Once we receive a bill, there is a presumption that it is Charter-proof.

Representatives of the Department of Justice appeared as witnesses before the Standing Senate Committee on Legal and Constitutional Affairs and we tried to understand the reasoning behind their conclusion that a particular bill is Charter-proof. The answer we received is that it is information protected by solicitor-client privilege, and we were left to speculate.

Sometimes we call upon experts from outside to help us make our minds up, but to me that is where there is a major gap in the system because we do not have access to the reasoning or to the legal analysis that brought the government to the conclusion that the bill is Charter-proof.

I have had multiple experiences in this chamber concerning bills that we adopted for which I warned my colleagues that there were Charter problems. I will give an example: the Canada Elections Act and the status of small parties, which was struck down by the court. Another example is the Youth Criminal Justice Act in regard to sentencing and the presumption of guilt at par with an adult system; the rights of the child, in other words.

We had the extradition bill. Former Justice Lamer, in an interview he gave last week, said the Rafay-Burns case, which dealt with extradition to countries that imposed the death penalty, was the most compelling case he had ever heard. Those are his words, and he sat on the bench for 20 years.

I remember well that we had a debate in this chamber for three months. Almost every day a senator stood up and called the attention of other senators to the importance of a bill in relation to the Charter. However, in the end, this house passed the bill, on division of course, following a standing vote.

I wish to bring to the attention of honourable senators to the fact that it is not that this house does not have the will to implement the Charter.

Another example is Bill C-23, the bill where we established a prior condition or system for common-law spouses of whichever sex. When that bill came to us, we warned other senators to be attentive, because if we were to accept this bill, there might be consequences in regard to the definition of marriage.

We were all convinced that that would flow from the principle enshrined in the bill. We were set. We were told by the Department of Justice at that time not to worry, that the definition of marriage will stand the test of the court.

Honourable senators know what happened. Ten courts in this country struck down the definition of marriage in the years following the adoption of that bill.

It is not because there is no conscience in this place that the Charter should not be tested in relation to a bill. The problem lies with the fact that when we raise that question, we have to rebut the presumption of the Department of Justice that the bill is Charter-proof, even though individually, in our soul and conscience, it is a question of moral issues such as death, the right to life, the right of the fetus, and all the other questions we might think of that call upon moral values. We had a long debate in this place when the issue of the definition of marriage was raised.

Honourable senators, we are compelled to analyse a bill through our own means. We do not have the assistance of legal experts to test the bill where any one of us would have a Charter question. If there is any review of the role and function of this place, it is in reference to the Charter.

I think one of the most important items on the Order Paper is the motion of Senator Andreychuk. Even in this place we do not know how we implement the Charter, and we are supposed to be the guardians of the Constitution. We are here to advise the Crown on the constitutionality of bills.

We have to question how we can best serve the objectives of the Charter. Why? Because the net effect is that when we do not assume our court is a legislator, we shift the problem to the court level. When the problem is shifted to the court level, we cross our arms and say that the court is activist.

I had a major problem with a bill, and a high-ranking politician — whom I will not name, as I do not want to politicize the debate — told me, in a public place: Well, if the bill is not Charter kosher, the court will tell us, so be quiet. To me, that is fundamentally questioning the role of this place. This is, first and foremost, the role of this place. However, as has been said, we do not yet have a system. The professors who wrote on this issue in the book entitled *Protecting Canadian Democracy* arrived at my honourable friend's conclusion, namely, that at this

point in time we have to find a system through which we will test the bills. What could my honourable friend propose to us today whereby we could improve our method of studying and debating legislation to achieve that end?

The Hon. the Speaker: I must remind the house that we have gone beyond Senator Segal's 15 minutes. Is there consent that Senator Segal be given time to answer that question?

Hon. Senators: Agreed.

Senator Segal: Senator Joyal's question, as I understand it, is what am I recommending in terms of an approach. He focused on the problem in a more precise way than I did in my presentation. When I referred to law officers of the Crown who do not have any formal obligation to advise us, the honourable senator stated that in the context of fact, they give their advice in confidence to their ministers and we do not have access to the basis upon which they have made that determination.

In the rather crude thought that I put forward with respect to a Charter committee, I was hoping to find a vehicle — and I defer to others in the leadership and with greater constitutional experience than I, who may find a way of improving on that — so that we would gain access to some aspect of that advice and counsel and senators could consider this on its merits in the context of legislation.

It occurred to me that our only option — because someone will claim Royal Prerogative and privilege with respect to advisers to the Crown not also being advisers to the Senate — is that we have a formally structured committee that would have its own advisers who would have every bit as much expertise. Such a committee may even involve retired advisers from the other place who served with great distinction and who could now give us the benefit of their counsel going forward. I am looking for an instrument that allows us to discharge what Professor Rémillard stated. He went on to serve as a distinguished Attorney General in subsequent Charlottetown negotiations on behalf of Quebec. I am looking for something to enrich the nature of our contribution, as Professor Rémillard anticipated the Charter would in fact produce. That is what I was trying to accomplish.

On motion of Senator Andreychuk, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, pursuant to rule 18, I must exercise my duty of reminding the house that even if a BlackBerry is in this place in the off position, it still is receiving signals that interfere with our sound system. The ruling that we issued some time ago was that no electrical device is to be brought into the chamber. The chair serves as your servant.

The Senate adjourned until Thursday, February 22, 2007, at 1:30 p.m.

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(HANSARD)

Thursday, February 22, 2007

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, February 22, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

STATISTICS CANADA REPORT ON THE ARTS AND CULTURAL INDUSTRIES

Hon. Tommy Banks: Honourable senators, every once in a while there is good news for the arts and cultural industries in Canada.

Statistics Canada issued its biannual report this year, which shows that we can all be proud of the fact that in the Ottawa-Gatineau region the consumption by individuals on the arts and cultural sectors is the highest per capita in the country, and the news is good across the country.

While total cultural spending in Canada by all three orders of government is a minuscule \$7.7 billion, consumer cultural spending is more than three times that amount. Canadians spent \$1.2 billion on admissions to live performing-arts presentations, more than twice what they paid to attend sporting events. They also spent \$500 million on admissions to museums, almost the same amount as the \$540 million they spent to attend sporting events.

In my own province, Albertans spent more than \$140 million on admissions to live performing-arts presentations, almost twice the \$81 million they spent on hockey and football games. In fact, Albertans spent the most money per capita of all Canadians on cultural goods, services and activities.

This survey has been conducted once every two years since 2001. This is the third time, I am proud to say, that Alberta has been at the top of cultural consumer spending among Canada's provinces.

• (1335)

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

PARTING WORDS OF FORMER CHAIRMAN

Hon. Hugh Segal: Honourable senators, I rise to express my appreciation to my own leadership and to my colleagues on both sides of the chamber for the remarkable opportunity I have had of serving as Chair of the Standing Senate Committee on Foreign Affairs and International Trade.

The last year was a remarkable experience for which I shall always be grateful. The privilege of being in this place and having the chance to work on issues that relate to Canada's role in the

world, our interests, values, allies, challenges and purposes was very much appreciated. I am gratified that my own party leadership has allowed me to continue on the committee as a member.

Honourable senators, as a new member of this body, I have much to learn. However, I have learned that no chairmanship, no role on a committee, for example, is owned by the incumbent. The leadership on both sides sort out various considerations relative to how these matters are determined for whatever periods seem appropriate. How this is sorted out between the parties is a little beyond my pay grade, but I assume there is a mix of normal governing prerogative, majority influence and, on occasion, partisan considerations. I leave that to the leadership on both sides.

I unequivocally support my leadership's right to make changes that relate to the assignments of government caucus members.

I was informed some time ago, on February 9, of the need for me to step down to facilitate those changes, which I do happily and without complaint. I wish every success to whomever is duly nominated and chosen as my successor.

I have very high regard for the stress and burden carried by the leadership on both sides of this chamber with the disproportionate numbers and lack of equilibrium between the two parties. My own leadership has my loyal and determined support, and the leadership across the way my understanding and goodwill.

My long-time membership in the Conservative family is broader and deeper than who may or may not be chair of this or that committee. The Conservative Party is a broad tent, and since coming into this chamber I have never experienced the slightest pressure from any source — not from my leadership in the Senate or the government or the Prime Minister — relative to views, aspirations, preferences or policy directions I might advocate or express honourably and freely.

The collegiality on both sides of the committee from all present was a rewarding experience and made it possible for us to achieve what we did, for example, on our Africa report. I am grateful to those from all sides who have been supportive of my role as chair. I hope and expect that the new chair, whoever it is and whenever that individual is chosen and agreed to, can count on that same collegial support and understanding. The work of the committee on democratization and on the lessons learned from the evacuation of Canadians in Lebanon, which constitute the two references before it now, and on other references this chamber in its wisdom may direct, is too important for the situation to be otherwise.

Again, I thank my own leadership and colleagues on all sides for the chance to have served.

Senator Corbin: We want you back.

VIOLENCE AGAINST WOMEN

PAKISTAN—ASSASSINATION OF FEMALE PROVINCIAL MINISTER OF SOCIAL WELFARE

Hon. Mobina S.B. Jaffer: Honourable senators, on February 20, 2007, Zill-e-Huma Usman, a provincial minister of social welfare in Pakistan, was murdered. Prime Minister Shaukat Aziz described her as a “committed and dedicated politician.” He said that, “During her short span as minister, she took several steps for the welfare of the people of Punjab.” Her activist role within the ruling Pakistani Muslim League made her a target for Islamic fundamentalists.

Minister Usman was a mentor, a leader and a role model for women in Pakistan who wanted to rise above the harsh injustices inflicted upon her gender, injustices that barred women to the private sphere.

The fanatic man who killed Minister Usman stated, “I have no regrets. I just obeyed Allah’s commandment.” It was his belief that Islam does not allow women to hold positions of leadership. He went on to say, “I will kill all those women who do not follow the right path, if I am freed again.”

Her attacker, Mohammad Sarwar, was held in 2002 for his connection with the killing and mutilation of four prostitutes but was never convicted due to lack of evidence. It is acts such as these that perpetuate the cyclical behaviour of violence against women.

To add further pain to the death of this female parliamentarian, Police Chief Abdul Qadir Qayyum stated, “. . . since fashionable women spread obscenity in the society,” the killer “has been targeting them . . . to purge the society of evil.”

• (1340)

Honourable senators, we all know the Muslim faith respects the social position of women and acknowledges the female face. It does not impose any restrictions that may hamper the social growth and development of the woman. Some progress has been made in bringing the issue of violence against women into the political arena, but much remains to be done.

Zobaida Jalal, Pakistan’s federal Minister of Social Welfare condemned the slaying, calling it an “unbearable loss to the cause of women’s rights” and further stating that we, as leaders, must ensure that women always have a voice. General Musharraf has promised to address women’s rights as part of his moderate agenda and policy of enlightened moderation designed to tackle extremism.

Honourable senators, as parliamentarians, we need to encourage him to do more. We, as parliamentarians, need to work to protect all parliamentarians and all women, not only in our own society but also around the world.

FEDERAL ACCOUNTABILITY ACT

PROGRESS REPORT

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to report on the progress of the Accountability Act and the effect that it has already made both in the public service and in Parliament.

The Federal Accountability Act, which became law on December 12, 2006, is now a reality in Canada and it seems that it is working. The vital reforms implemented by this act conferred a new obligation on deputy ministers, making them accounting officers for their departments and, therefore, answerable before the appropriate committees of the Senate and the House of Commons.

There is already evidence that the act is significant and it is relevant. A recent incident merited an editorial in the *Ottawa Citizen*. Let me explain what that newspaper said. When problems were raised and identified by the Auditor General concerning a \$500 million contract for relocating public servants across the country, Mr. David Marshall, one of our most senior and talented bureaucrats became the first deputy minister to testify under the new Federal Accountability Act.

When he was recently summoned before the House of Commons Standing Committee on Public Accounts and was asked who was responsible, he said the following:

The department is. This was an administrative issue. It was handled by departmental officials so, as the accounting officer, I would take responsibility for that.

Earlier, honourable senators, he would have had to say that because of ministerial responsibility, the minister would be responsible. Clarifying the ambiguity of accountability, and with greater transparency in parliamentary procedures, this historic precedent was possible. Parliamentary scrutiny is now easier, more efficient and more democratic since the act became law.

A procedure is now in place so that when problems arise, they can be addressed, rectified and responsibility for blame accepted. However, honourable senators, we must remind ourselves that to blame does not just mean pointing the finger at someone but, more importantly, Mr. Marshall had an opportunity, when answering questions before committee members, to provide his honest assessment to help correct the policy in question. This procedure establishes a healthy dialogue between those accountable and parliamentary committees. It is not to simply lay blame and then sweep the issue under the rug for another day. This act is about settling dilemmas, crises, problems and disputes with accounting officers.

Honourable senators, I believe this precedent will be greeted by many Canadians as an important change in moving the country forward into a new period of open transparency, accountability and democratic reform. Many Canadians had lost touch with the federal government, and our government set out to fix that. We delivered on our commitment to make government more accountable and one way was enhancing the accountability of deputy ministers. Canadians’ confidence in the parliamentary system has just received another important plank in its renewal.

THE LATE CELIA FRANCA, O.C., O. ONT.

Hon. Elizabeth Hubley: Honourable senators, I am honoured to rise in tribute to the life of a remarkable Canadian. On Monday of this week, Celia Franca passed away in an Ottawa hospital at the age of 85. Miss Franca was a ballerina, choreographer, Artistic Director of the National Ballet of Canada, co-founder of the National Ballet School, inspiration to generations of aspiring young dancers and professionals throughout the world of ballet.

In announcing her death, the front page of the *Ottawa Citizen* simply said, "She taught Canada to dance."

• (1345)

Born in London, England, in 1921, Miss Franca began the study of dance at the age of four. She was a scholarship student at the Guildhall School of Music and the Royal Academy of Dance. By 1941, Celia Franca was recognized as one of the finest dramatic ballerinas in London's Sadler's Wells dance company, which later became the Royal Ballet. In 1947, she joined the Metropolitan Ballet as a soloist and ballet mistress and also began choreographing for television.

Celia Franca came to Canada in 1951 at the invitation of a group of Toronto-area ballet enthusiasts who dreamed of starting a classical dance company in this country. With great determination and skill, she recruited and trained dancers, staged concerts, organized a summer school, gathered a talented artistic staff and opened the National Ballet Company to the public on November 12, 1951, while supporting herself as a file clerk at Eaton's.

In 1959, she and Betty Oliphant founded the National Ballet School.

Honourable senators, this wonderful lady established two national cultural institutions during her lifetime. Her students and contemporaries speak of her drive for professionalism and perfection, her ferocious attention to standards, and her vision and tremendous work ethic. Canada owes her a great debt of gratitude.

Former Prima Ballerina and current Artistic Director of the National Ballet, Karen Kain, had this to say on the passing of her friend and teacher:

She would not accept mediocrity at all. She believed in excellence and she wouldn't give up until she saw it.

Honourable senators, I know you will join with me in expressing our deep sadness on the death of this great Canadian, and extend our sympathy to her family.

PRIME MINISTER

AIR INDIA INQUIRY—COMMENTS REGARDING
FATHER-IN-LAW OF MEMBER
FOR MISSISSAUGA—BRAMPTON SOUTH

Hon. Grant Mitchell: Honourable senators, yesterday, Canadians witnessed an unprecedented abuse of executive power levelled by the Prime Minister against a vulnerable and innocent Canadian citizen, who is without any recourse to defend himself. It represented an unprecedented attack on an individual with the full force and power of the Prime Minister's office behind it.

That the Prime Minister would attack any individual without a shred of evidence of any wrongdoing in the most public of forums in this country is distressing enough. That he would do it based upon nothing more than a newspaper article replete with innuendo and aspersion is incomprehensible. That this article

may have been based upon information that should have been held by authorities in confidence is a further profound concern. I fear the Prime Minister's office was reduced to nothing more than a bully pulpit.

If ever there were an argument against extending the powers inherent in the Terrorism Act's sunset clause, the Prime Minister's behaviour yesterday is it. It is incumbent upon the Prime Minister of this great country to exercise his or her power with grace, dignity and proportion. None of that was evident in his conduct yesterday.

PROCESS FOR ELECTION OF COMMITTEE CHAIRS

Hon. Sharon Carstairs: Honourable senators, Senator Hugh Segal, a few minutes ago, gave a gracious explanation for his resignation as the Chair of the Standing Senate Committee on Foreign Affairs and International Trade, a decision that this side deeply regrets. He expressed his lack of knowledge about the practices of this place, so I hope I can enlighten him as to the normal process.

At the beginning of a new session, the Leader of the Government in the Senate and the Leader of the Opposition in the Senate meet to discuss who will be members of committees and who will be the chairs of those committees. National Finance has traditionally been given to the opposition, although not always. The remaining committees enter into a bargaining experience.

Senator Segal should know that, at this time, the names of potential chairs are also discussed. He should know that once it was determined that Foreign Affairs would be chaired by a government member, it was also stated that he, Senator Segal, would be acceptable to the opposition.

Once the chairs and deputy chairs are established, these positions are no longer open to political machinations. They now become the creatures of the committees.

There are occasions, such as when a senator retires or dies, that a new chair is elected. On other occasions, a chair or deputy chair makes a personal decision to resign, but this decision is never made as a result of a push from the leadership on either side. This act is unprecedented and unacceptable.

• (1350)

ROUTINE PROCEEDINGS

THE ESTIMATES, 2006-07

SUPPLEMENTARY ESTIMATES (B) TABLED

Hon. Terry Stratton: Honourable senators, I have the honour to table, in both official languages, Supplementary Estimates (B), 2006-07.

NATIONAL FINANCE COMMITTEE AUTHORIZED
TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2007, with the exception of Parliament vote 10.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

VOTE 10 OF SUPPLEMENTARY ESTIMATES (B)
REFERRED TO THE STANDING JOINT COMMITTEE
ON THE LIBRARY OF PARLIAMENT

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(f), I move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament vote 10 of the Supplementary Estimates (B) for the fiscal year ending March 31, 2007; and

That a message be sent to the House of Commons to acquaint that House accordingly.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ANTI-TERRORISM ACT

INTERIM REPORT OF SPECIAL COMMITTEE TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the third (interim) report of the Special Senate Committee on the Anti-terrorism Act, entitled: *Fundamental Justice in Extraordinary Times: Main Report of the Special Senate Committee on the Anti-Terrorism Act*.

I move that the report be placed on the Orders of the Day for consideration two days hence; and that a 10-page executive summary of this 140-page report be distributed for honourable senators' ease of reference.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report placed on the Orders of the Day for consideration two days hence.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT
AND RELEVANT REGULATIONS, DIRECTIVES
AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES
COMMITTEE TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table the fourth interim report of the Standing Senate Committee on Official Languages concerning the proposed regulations introduced in response to the Federal Court decision in *Doucet v. Canada*.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Some Hon. Senators: Agreed.

On motion of Senator Chaput, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1355)

[English]

QUESTION PERIOD

PRIME MINISTER

REQUEST FOR APOLOGIES TO MEMBERS FOR
WASCANA AND MISSISSAUGA—BRAMPTON SOUTH

Hon. Céline Hervieux-Payette (Leader of the Opposition): My question is to the Leader of the Government in the Senate.

It is said that power corrupts and absolute power corrupts absolutely. We have seen signs of this in the past weeks by the Prime Minister. The Prime Minister has smeared the integrity of Mr. Goodale, both in person and in television advertisements. Even after the former minister was completely exonerated of any wrongdoing, the Prime Minister has refused to do the honourable thing and apologize. Prime Minister Harper has even refused to withdraw the advertisements, which are factually incorrect.

Yesterday, the Prime Minister attacked an honourable member in the other place and impugned the entire opposition. Again, he refused to apologize.

Will the Leader of the Government in the Senate urge the Prime Minister to regain the dignity of the title "Right Honourable" and advise him to apologize in the best interests of our institutions?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The Prime Minister yesterday was simply pointing out that, for some reason, known only to people on her side, the opposition decided to withdraw its support of their own

anti-terrorism legislation and put in jeopardy the safety of Canadians, take away some well-needed tools for our police officials and, more urgently, cause difficulty in continuing the investigation of the Air India disaster.

**AIR INDIA INQUIRY—MEDIA COMMENTS
REGARDING FATHER-IN-LAW OF MEMBER
FOR MISSISSAUGA—BRAMPTON SOUTH—
REQUEST FOR APOLOGY**

Hon. Mobina S. B. Jaffer: I have a supplementary question for the Leader of the Government in the Senate.

Has the government leader had an opportunity to investigate the question I asked of her yesterday as to why names of potential witnesses are being leaked to the media? As I understand, these investigative hearings are held before a judge, who not only protects the name of the person being investigated but also protects the names of the third parties and of the families. How did these names get leaked?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. After Question Period yesterday, I turned to page 21 of *Quorum* and read the full article from the *Vancouver Sun*. The article was lengthy and contained some rather startling statements. Knowing newspapers as I do, I am quite certain that the legal authorities responsible for the content of the *Vancouver Sun* would have been very careful to have information that was sourced, before printing such a story.

How this information was obtained by the *Vancouver Sun*, I have no idea. I am quite certain that the *Vancouver Sun*, like all newspaper organizations and reporters, will protect its sources. I cannot even begin to guess how they came by the information. It is probably a question better addressed to them.

• (1400)

Senator Jaffer: Honourable senators, I believe that we come as parliamentarians to serve our country, and, of all people, the Leader of the Government in the Senate, has served our country for a long time.

The name of a young parliamentarian, who was only nine years of age when this allegation was supposed to have taken place, has been drawn through the dirt. Across the entire country this man's name and that of his family has been dragged in the mud. I urge the Leader of the Government in the Senate to ask the Prime Minister to apologize to this young parliamentarian.

Senator LeBreton: I thank the honourable senator for her question. As the Prime Minister stated yesterday, his intent was to point out to Parliament that the Liberal Party and the Liberal opposition members, for some unknown reason, changed their position on their own legislation. Many people are asking questions about that.

Senator Munson: Civil liberties. Charter of Rights.

Senator LeBreton: The Prime Minister barely spoke the first few sentences of his answer before everyone started to yell. I do not know whether the record even shows whether the Prime Minister said anything, other than reading about an article that appeared in the public venue.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT— DELAY IN IMPLEMENTATION

Hon. Joseph A. Day: Honourable senators, in the *Ottawa Citizen* on October 21, 2006, the former President of the Treasury Board, the Honourable John Baird wrote an editorial entitled, "An Achievement in Foot-dragging." Permit me to quote from this article as an introduction to my question for the Leader of the Government in the Senate.

Mr. Baird wrote the following:

Most Canadians recognize the incredible ability of people to get things done once they set their minds to accomplishing a task. Conversely, most Canadians also recognize the incredible ability of people to dither when they do not want to get something done.

My question for the Leader of the Government in the Senate is why, after 72 days, since Royal Assent of Bill C-2, has the Harper government refused to proclaim or bring into force a staggering number of provisions within the Federal Accountability Act? Why the delay? Why the dithering? Why the foot-dragging? Is this the government's concept of accountability?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. As he knows and because he participated in the Senate committee studying the bill, many elements of the bill require written regulations. I will therefore be happy to take the honourable senator's question as notice, raise it with the new President of the Treasury Board and get some guidance on when the president expects these regulations to be completed.

Senator Day: While addressing this chamber on November 22, 2006, the Leader of the Government in the Senate urged her colleagues, on both sides of this chamber, to accept the will of the other place and pass Bill C-2 once and for all. I quote, "Canadians have waited long enough for the Federal Accountability Act. The time is now to pass this legislation."

Honourable senators, not long after those words were spoken in this chamber, we reached a compromise. We in this chamber worked hard to improve that legislation. We did improve it. The bill was passed and received Royal Assent 72 days ago.

• (1405)

Honourable senators, which priority is more important to the current government: the complete and timely implementation of the Federal Accountability Act or merely the creation of the perception among the public that accountability and transparency have been improved?

Senator LeBreton: Honourable senators, the thought crossed my mind that it took a long time for the accountability bill to make its way through both Houses, and I do not think 72 days is an inordinate amount of time to draft regulations for an act as large as this and containing so many elements.

My answer to Senator Day is the same as the one I gave to the first question. I take the honourable senator's question seriously. I will speak to officials and to the new President of the Treasury Board, the Honourable Vic Toews, in an attempt to provide, by delayed answer, a timetable for the parts of the act that still have not been implemented.

Senator Day: I thank the Leader of the Government in the Senate for her reply and I will continue to count the days.

PUBLIC WORKS AND GOVERNMENT SERVICES

CREATION OF POSITION OF PROCUREMENT OMBUDSMAN

Hon. Grant Mitchell: Honourable senators, my question is to the Minister of Public Works and Government Services, on the off-chance that the Leader of the Government in the Senate will actually let him answer it.

Under Bill C-2, the Conservatives promised to establish a procurement ombudsman 72 days ago, after much rushing and pushing. The procurement ombudsman, of course, has not been established and we have not seen the Minister of Public Works stepping up to the plate and forcing the issue to make sure it happens.

Could the Minister of Public Works tell us the reason for his failure to implement the position of procurement ombudsman? Is it because he does not want anyone questioning the sole-source contracts and other questionable procurement practices that have become all but standard operating procedure in his department?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, we are looking into putting the specifications together to find the right person, and we will be publishing something soon. If the honourable senator knows anyone who is interested in that position, let us know.

PRIVY COUNCIL OFFICE

CREATION OF POSITION OF APPOINTMENTS COMMISSIONER

Hon. Grant Mitchell: It is interesting that the Conservatives would be worried about the specifications on that position, because they have not been worried about the specifications on all kinds of political patronage appointments that they have given to former MPs, former ministers, former candidates, former ministerial staffers, former long-time Conservative fundraisers or spouses of Tory staffers. Are those, perhaps, the specifications for those kinds of positions? They have not implemented the public appointments commissioner, who is supposed to set proper objective specifications for those positions. Have they failed to do that because the appointments commissioner would inconveniently come between the government and its priority on patronage politics?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, all who have been appointed by this government have been properly vetted and are competent appointees. We have appointed people of all political stripes, including Liberals, and we have left quite a few Liberals on the books.

Senator Mitchell: If the government has not put in place the specifications for this particular position, and probably has not put in place the specifications for the procurement auditor, why were they in such a rush to push Bill C-2 through the Senate? Could they not have given us a little more time while they prepared themselves to be in a position to implement it once it passed?

Senator LeBreton: My honourable friend was a member of a provincial legislature. Surely he must know that legislation must be passed prior to the process of writing regulations and implementing the act.

• (1410)

CITIZENSHIP AND IMMIGRATION

VETTING OF CITIZENSHIP JUDGE APPOINTMENTS

Hon. Percy Downe: Honourable senators, I believe the minister misspoke. She indicated that all appointments have been vetted. I have read in the newspaper that people have been appointed to the citizenship judge position that were not vetted at all, and the chair of the commission has indicated that publicly.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Far be it from me to get into a debate with Senator Downe on the question of political appointments.

I believe it is on the public record that the government has appointed competent individuals — and I am not sure to which particular individual the honourable senator is referring.

Honourable senators, I must be careful when I refer to Jeffrey Simpson, who became quite incensed the last time I mentioned him in this place. He thought I had accused him of being a Liberal. In any event, even Jeffrey Simpson, in a column last week, was quite complimentary to this government's appointments.

Senator Downe: Honourable senators, that is not quite what the minister said earlier. The minister said on the record that every appointment has been vetted. That is not the case. One of the cases I am referring to is the former Conservative candidate in the Toronto MP's riding who recently crossed the floor to join the Conservative Party. That person was appointed to the citizenship judge position and that position was not vetted; he did not go through the process.

Would the minister withdraw what she said earlier?

Senator LeBreton: No, I shall not withdraw what I said earlier. First, I have not heard any such comments by the person who is in charge of the citizenship judges. As a matter of fact, on the matter of citizenship judges, the previous government indicated it wanted to get rid of citizenship judges altogether and never did. In any event, I know that the appointments process that has been set up is a very thorough one. People are properly vetted. People who are appointed to the positions are competent and are qualified for the positions to which they have been appointed.

However, with respect to that one instance the honourable senator seems to think there is an anomaly, I shall check my facts.

INDUSTRY

ACCESS TO INFORMATION ACT— PROPOSALS TO STRENGTHEN ACCESS

Hon. Lorna Milne: Honourable senators, as Senator Day has pointed out, this is day 72 since this government has had the ability to bring into force the access to information provisions of the Federal Accountability Act and has chosen not to do so. Senator LeBreton has just reminded me that for weeks we on this side of the chamber had to endure complaints and outright harassment from senators opposite, as well as outside observers, who were clamouring to have this hastily constructed and ill-advised bill rushed through this chamber.

Can the Leader of the Government in the Senate tell honourable senators why this government has chosen to largely ignore the section in its election platform entitled, Strengthen Access to Information Legislation? In it, you will read that a Conservative government will, among other things: "Implement the Information Commissioner's recommendations for reform of the Access to Information Act." This government also promised to "give the Information Commissioner the power to order the release of information" and to "provide a general public interest override for all exemptions, so that the public interest is put before the secrecy of the government."

In fact, every promise made by this government in its own election platform regarding the Access to Information Act has been ignored or violated in some way by what is in Bill C-2. Now, to make matters worse, the government has not proclaimed many of the provisions of Bill C-2 into force.

Could the Leader of the Government in the Senate advise honourable senators, if she is not accountable to her own supporters, to whom she and her party are accountable?

• (1415)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for reading our platform into the record. When political parties put out election platforms, they are meant to extend over a four-to-five-year mandate.

I shall investigate the specific question on access to information. Although I have not checked on it lately, I believe this matter was before a special committee in the other House; however, I do not know whether the matter has been dealt with by that committee yet. There is also a new Access to Information Commissioner.

This government has been in power for only a year, during which time we have done a very good job of living up to our commitments. We still have three years left in our mandate.

PRIVY COUNCIL OFFICE

CREATION OF PUBLIC APPOINTMENTS COMMISSION

Hon. Lorna Milne: Honourable senators, I shall not mention income trusts.

I thank the leader for her response, but I must warn her that Canadians will see her remarks for what they are — rhetoric. Governing is about more than rhetoric; it is about leadership and making commitments and following through on them.

Speaking of commitments, one of this government's commitments in what is slowly becoming my favourite fictional document, "Stand Up for Canada," was the establishment of a "Public Appointments Commission to set merit-based requirements for appointments to government boards, commissions, and agencies, to ensure that competitions for posts are widely publicized and fairly conducted." That commitment found its way into the Federal Accountability Act, but one would never know it from the recent questionable appointments made by this government.

Will the words of Brian Mulroney ring true again — that only once every Conservative in Canada is appointed to something will a public appointments commission be established?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank Senator Milne for that question. The public appointments commission is not in the Federal Accountability Act. An outstanding individual was prepared to do the job for \$1 a year. Unfortunately, actions on the other side derailed that appointment.

I do not know to what questionable appointment the honourable senator is referring. We have made outstanding appointments.

My words are not empty rhetoric. We are all working hard to provide good government for the public. We are responsible and respectful of taxpayers' dollars. Judging by public opinion polls, we are also getting high marks for leadership.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT— DELAY IN IMPLEMENTATION

Hon. James S. Cowan: Honourable senators, the Leader of the Government in the Senate has repeatedly said that it takes time to prepare the regulations and that that is why many of the things that were promised in the act have not come to pass.

By my count, there were 64 days from the time the government was sworn in until Bill C-2 was introduced in the House of Commons. Can the Leader of the Government explain why, 72 days after proclamation, some of these regulations are still not in place? What possible explanation can there be for that?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): First, the government was sworn in on February 6, and we could not introduce legislation until Parliament resumed sitting. In his arithmetic, Senator Cowan is factoring in days that Parliament was not even sitting.

Anyone who has been involved in government knows that, with a large and complex piece of legislation like the Federal Accountability Act, it takes some time to complete the regulations. It has not taken an inordinately long period of

time. In his statement, Senator Oliver gave a good example of how the Federal Accountability Act is working. I see no evidence, nor has the public, of the government conducting itself improperly or abusing taxpayers' money.

• (1420)

Senator Cowan: The minister misunderstood my question. My point was that it only took 64 days to get this abomination of a bill before the House of Commons. She is now saying that 72 days is not long enough to produce some of the regulations and to implement promises such as the public appointments commission. Furthermore, the Standing Senate Committee on National Finance will begin its study of the estimates within the next few days, and there has been no establishment of the parliamentary budgets office, which is another part of this act. Why have these bodies not been established?

Senator LeBreton: My answer to the honourable senator will be precisely the same as my answer to Senator Day. I will take his question as a genuinely sincere and try to ascertain, as quickly as possible, the timeline for the various regulations that must be put in place to enact certain portions of the Federal Accountability Act.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

QUESTIONS TO CHAIRMAN

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. Out of curiosity, if I wished to ask a question of the Chair of Foreign Affairs either today or next week, to whom would I address that question?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, this is supposedly a chamber of sober second thought. A childish question like that does not warrant an answer.

THE SENATE

CHANGES TO COMMITTEE LEADERSHIP

Hon. Anne C. Cools: Honourable senators, I would like to put a question to the Leader of the Government in the Senate. Yesterday, in her responses to a series of questions about the removal of chairs and deputy chairs of committees, she, the minister, responded by stating, as found on page 1807 of the *Debates of the Senate*:

There are all kinds of precedents for committees to change their membership and, in fact, the chairs and deputy chairs.

First, could the leader tell me what precedents exist? I would like to know them. Second, when she removed me as deputy chair, upon which of those precedents did she rely?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question, and I will simply take it as notice.

Senator Cools: I think that is totally insufficient as an answer, honourable senators. The problem with this present rubric, Question Period, is that we cannot debate the responses. In

fact, it is an abbreviated situation. All that happens is the leader says either she will not answer or that she will answer later, which I find to be quite unsatisfactory

Yesterday, honourable senators, Senator Campbell asked the government leader about my situation, and the honourable minister responded, at page 1807 of the *Debates of the Senate*, by saying:

... I will not answer it as this is an internal caucus matter.

Either it is "an internal caucus matter" or one that is relying on non-existent precedents. It certainly cannot be both. Since the Leader of the Government in the Senate knows very well that I do not accept what she did, what they did — and I have no plans of accepting it because it is so frightfully barbaric — she should tell us here, on the floor of this chamber, what those precedents were and which ones she applied.

Senator LeBreton: I thank the honourable senator for her question. My answer yesterday was in relation to decisions that were made in caucus. I do not believe matters that are discussed in caucus belong on the floor of either chamber.

• (1425)

I am quite certain that if we were to ask questions concerning the internal affairs of the caucus opposite, there would be much indignation. We did not ask questions in this place about what process was undertaken when the leadership changed on the other side. We do not get into caucus matters.

When I answered Senator Campbell, I simply said that I would not get into discussions about matters that belong within the privacy of the four walls of the individual caucus meetings. Otherwise, why would we not just hold all of our caucuses here on the floor of the Senate.

Senator Cools: I would like to ask a question.

The Hon. the Speaker: Order. The time for Question Period has expired.

DELAYED ANSWER TO ORAL QUESTION

Hon. Terry Stratton: Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Calbeck on February 13, 2007, concerning the creation of a mental health commission.

HEALTH

PROPOSAL TO CREATE NATIONAL MENTAL HEALTH COMMISSION

(Response to question raised by Hon. Catherine S. Calbeck on February 13, 2007)

There have been regular, ongoing discussions between federal and P/T senior officials since Senators Kirby and Keon presented the concept of a mental health commission to F/P/T Ministers in October 2005.

The Government of Canada recognizes that mental health and mental illness are priority issues for Canadians. We thank Senators Kirby and Keon, and the Standing Committee members, for their commitment and outstanding work in studying this important public health challenge.

The Government of Canada recognizes the importance of pursuing action on mental health. The recommendations of the Senate Committee are being extensively reviewed, including the proposal to establish a Commission as a focal point in Canada for mental health. From January 15-25, 2007, the Health Portfolio undertook consultations to seek views on mental health priorities including the mandate, functions and activities of a mental health commission.

As part of its response to mental health and mental illness in Canada, the Government of Canada remains committed to pan-Canadian efforts to advance mental health issues, in collaboration with the provinces, territories and other stakeholders, including various organizations and Aboriginal groups.

ORDERS OF THE DAY

CRIMINAL CODE

MOTION PURSUANT TO SUBSECTION 83.32(1)— DEBATE ADJOURNED

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)), pursuant to notice of February 8, 2007, moved:

1. That pursuant to subsection 83.32(1) of the Criminal Code, the application of sections 83.28, 83.29 and 83.3 of that Act be extended for a period of three years from the first day on which this resolution is passed by both Houses of Parliament.

2. That this Resolution come into force on the day on which it has been passed by both Houses of Parliament.

She said: Honourable senators, I rise today to speak in support of this very important motion, which extends the investigative hearing and recognizance with conditions provisions of the Anti-terrorism Act. It is not hyperbole to suggest these provisions could save lives and I urge this chamber to extend them for a three-year period.

Honourable senators may recall that I had grave reservations myself, as Senator Andreychuk has said about herself, when the Anti-terrorism Act was being considered in the Senate as Bill C-36. That was in the aftermath of the terrorist attack on the United States in 2001, which we all remember so well.

My words were:

I am terribly troubled by Bill C-36. Like Senator Andreychuk and many of my colleagues, I could have supported it had there been a proper oversight provision and a sunset clause.

The provisions under discussion today had a sunset clause, which is the reason this matter is now before us. My fears at the time have been properly addressed because, as we know, the provisions are there and there are stringent rules in place to protect the rights of individuals. A sunset clause is being re-established in the current motion, albeit with a three-year limitation, as recommended by our Special Senate Committee on the Anti-terrorism Act in its interim report tabled earlier this afternoon.

Honourable senators, I think it might be helpful if I take a moment to describe briefly the provisions that are the subject of today's discussion.

The investigative hearing provisions of the Anti-terrorism Act permit a peace officer, with the prior consent of the Attorney General, to apply to a judge for an order for the gathering of information where there are reasonable grounds to believe that a terrorism offence has been or will be committed. If it is granted, the order compels a person to attend a hearing before a judge, answer questions and bring along anything in their possession. Any person ordered to attend such a hearing is entitled to retain and instruct counsel. They can be required to answer questions, but may object to doing so on the basis of the laws relating to disclosure or privilege. There are also robust protections against self-incrimination: use and derivative immunity is provided by the legislation.

• (1430)

I would ask honourable senators to note that the Supreme Court of Canada in June 2004 upheld the constitutional validity of the investigative hearing provisions. The majority referred to the legislation's procedural safeguards, emphasizing that this new tool is not about eliciting self-incriminating testimony; it is about investigating and preventing potentially disastrous incidents.

The other provision the motion seeks to extend is the recognizance with conditions, sometimes referred to as preventive arrest, although a more apt term might be preventive release.

With the prior consent of the Attorney General, a peace officer, having reasonable grounds to believe that a terrorist activity will be carried out and having reasonable grounds to suspect that the imposition of a recognizance with conditions or the arrest of a person is necessary to prevent the carrying out of the terrorist activity, may lay an information before a provincial court judge. That judge may order that person to appear before him or her.

If the judge determines there is no need for the person to enter into a recognizance, the person will be released. If the court determines the person should enter into a recognizance, the person will be bound to keep the peace, be of good behaviour and respect other specified reasonable conditions for up to twelve months; including possibly prohibiting the position of a weapon. Only if the person refuses to enter into such a recognizance can the judge order they be detained for up to twelve months.

Honourable senators, detention is not the goal of this provision. The clear and stated objective is to release the person, but under reasonable conditions that will help prevent terrorist activity from taking place.

Thankfully, to date, the law enforcement community has not found it necessary to resort to these powers to prevent an act of terrorism. Although an application for an investigative hearing in the Air India prosecution was upheld as constitutional — as I have mentioned — the hearing was never actually convened.

While to our knowledge there has been no use of either the investigative hearing or recognizance with conditions, albeit the investigative hearing has been invoked once, this should not suggest that they are not important or may not be needed in the future. There are numerous provisions in our criminal law that are employed infrequently. They are still an essential part of our criminal legislative framework. Frankly, we should take comfort in the fact that restraint has been demonstrated with respect to these Anti-terrorism Act powers.

Honourable senators, I would also like to emphasize the limited scope of these provisions. While the investigative hearing applies to past or future terrorism offences, the recognizance with conditions applies only in respect of potential future terrorist activity. They are not laws of general application, but rather have been specifically tailored to meet what is perhaps the most significant threat our society faces.

The majority of the Supreme Court of Canada had this to say in the decision confirming the constitutionality of the investigative hearing process:

The challenge for democracies in the battle against terrorism is not whether to respond but rather how to do so. This is because Canadians value the importance of human life and liberty and the protection of society through respect for the rule of law. Indeed, a democracy cannot exist without the rule of law. So, while Cicero long ago wrote "*inter arma silent leges*" (the laws are silent in battle) . . . we, like others, must strongly disagree.

Although terrorism necessarily changed the context in which the rule of law must operate, it does not call for the abdication of law. Yet, at the same time, while respect for the rule of law must be maintained in the response to terrorism, the Constitution is not a suicide pact . . .

Consequently, the challenge for a democratic state's answer to terrorism calls for a balancing of what is required for an effective response to terrorism in a way that appropriately recognizes the fundamental values of the rule of law.

The court held that the investigative hearing process respects the rule of law, does not violate protections against self-incrimination and is an appropriate response for a democratic state faced with challenges to its very existence.

To our knowledge, the recognizance with conditions provision has yet to be used. Thus, we have yet to receive any similar guidance from the courts on this section of the Anti-terrorism Act. I ask my honourable colleagues to note, however, that powers similar to the recognizance with conditions have existed in Canadian law for some time.

Section 810 of the Criminal Code, which many senators know as the "peace bond" provision, provides that any person who believes on reasonable grounds that another person will cause personal injury to the person, his or her spouse, common-law partner or child may lay an information before a judge and the judge may then cause the parties to attend court to decide if a recognizance with conditions should be imposed on the other person.

Honourable senators should also note that if a person breaches or refuses to enter into a section 810 recognizance, the court can commit them to prison for up to twelve months.

Similar provisions exist under section 810.01 of the Criminal Code if a person fears on reasonable grounds that a person will commit, for example, a "criminal organization offence," and under section 810.1 of the Criminal Code if a person fears on reasonable grounds that a person will commit sexual offences, such as sexual touching or incest, in respect of a person under 14 years of age. Here, too, a court can commit the person to prison for up to twelve months for failing or refusing to enter into the recognizance.

In contrast, the investigative hearing power is new to the Canadian Criminal Code, although not to Canadian law, given the existence of a process for the making of an evidence-gathering order in the Mutual Legal Assistance in Criminal Matters Act. While compelling testimony has long been acceptable at the trial stage, it has not been a feature of the investigative phase of our criminal justice system. Other developed countries grant the state the power to compel testimony before trial. The United States, for example, has its long-standing grand jury system. In the United Kingdom, there exists the offence of failure to disclose material information to a constable in relation to terrorist investigations.

Our Supreme Court has upheld as constitutional the investigative hearing, and I am confident that the recognizance with conditions provision, essentially a peace bond, would also be found to be constitutional. While the recognizance with conditions provision has yet to be considered by the courts, we must recognize that imposing conditions on a person after a judicial hearing in order to prevent terrorist activity is a legitimate and proportional response to the threat posed by such activity. If we accept that a peace bond may be issued to prevent spousal abuse, sexual abuse or a criminal organization offence, why would we not extend a similar power to prevent terrorist activity?

Another important aspect of this discussion involves Canada's international commitments. Security Council Resolution 1373 of 2001 called upon all states to implement their counter-terrorism obligations "as a matter of priority." Specifically, the Security Council recognized:

. . . the need for States to complement international cooperation by taking additional measures to prevent and suppress, in their territories through all lawful means, the financing and preparation of any acts of terrorism.

• (1440)

In the resolution, one can see a strong emphasis on prevention. For example, the resolution calls upon states, among other things, to take necessary steps to prevent the commission of terrorist acts, ensure that any person who participates in the financing,

planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice, prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other states or their citizens, and prevent and suppress the financing of terrorist acts.

The investigative hearing and recognizance with conditions provisions are preventive measures and can assist these objectives. Indeed, even where provision is made for an investigative hearing to take place in respect of a terrorism offence that has already taken place, it can be used as a means to assist in the apprehension and conviction of a person who perpetrated a past attack, who could thereafter be prevented from participating in future attacks.

Similarly, the United Nations Global Counter-Terrorism Strategy, which was adopted by member states on September 8, 2006, also emphasizes the importance of preventive measures. The strategy is based upon a call for action with respect to specified goals, including, for example, taking measures to prevent and combat terrorism and ensuring the respect of human rights while countering terrorism. Canada is, of course, committed to these principles, which are reflected in the Anti-terrorism Act. The provisions that we are discussing today are essential elements of that legislation.

To further help understand the need for these provisions and the lengthy and thorough parliamentary review that they have undergone, I will harken back to 9/11, when the terrorist attacks forced us all to once again acknowledge the reality of international terrorism. The scale of the momentous and horrifying events of September 11 spurred the government of the day into action. Like many of our allies, Canada moved with all deliberate speed to enact new legislation to target terrorist activity. Good for them. Our laws up to that point focused primarily on addressing criminal activity after it had taken place. With the scale of the threat to our society posed by terrorism, it was clear that prevention had to be the goal. Prosecuting such acts after the fact is simply inadequate. Criminal sanctions, for example, do not deter perpetrators of suicide attacks.

The work undertaken in the Senate during those tumultuous days demonstrates the important contribution that this body makes to Canadian legislation. In 2001, when Bill C-36 was still in the other place, the Senate Special Committee on the Subject Matter of Bill C-36 was established and began its review of the bill using a special rarely used process called pre-study. The extraordinary work of that committee was widely recognized and lauded. That committee's pre-study report made various important recommendations, but perhaps most noteworthy in the context of today's motion was the recommendation that a sunset clause be applied to the bill. In its pre-study report, the committee stated:

In this way, the government would be required to return to Parliament to justify the continuance of the powers granted, assuring Canadians that the tools are sufficient, yet not exorbitant, and that they continue to be justifiable and necessary in the battle against terrorism.

In response to this recommendation, the investigative hearing power and the recognizance with conditions provisions were

sunsetted. The important contributions of this chamber have continued. In 2004, a review of the Anti-terrorism Act and its operation was begun by another special Senate committee comprised of some of the institution's most experienced and august members. Over the course of the Thirty-eighth and Thirty-ninth Parliaments, that committee heard from approximately 150 witnesses, travelled to London and Washington for consultations, and commissioned extensive research from the Library of Parliament and the Department of Justice.

I should like to close my remarks, honourable senators, by recalling the most egregious terrorist attack perpetrated against Canadians — that is, the Air India bombing of 1985, the largest mass murder in our country's history. We lost more people on a per capita basis than the Americans lost on 9/11. We, as legislators, have an obligation to the victims and their families to do all that we can to ensure that similar acts of terror are not perpetrated against our society again. When the Air India 182 Victims Families Association appeared before the Special Senate Committee on the Anti-terrorism Act in late 2005, their frustration was palpable. One member of the association's executive, Nicola Kelly, stated:

We have failed utterly, not only to prevent this tragedy and convict the perpetrators, but to incorporate the terrorist attack into our history. This has been hurtful to both the families and the entire nation. As a result, we collectively act as if terrorism has never happened here; as if somehow we are immune to the threat of global terrorism. Terrorism in Canada is already a fait accompli. The sooner we learn from it, the better.

Ms. Kelly went on to express the association's views with respect to the Anti-terrorism Act. She stated:

We need stronger tools to compel witnesses to testify. The law enforcement agencies also need to be able to break through the culture of fear that envelopes any community in a terrorist case. . . .

We urge that any changes to the anti-terrorist legislation should aim to strengthen it by closing loopholes and gaps that exist now, not to weaken it. We need to send a strong message to the international community that Canada is able to deal with the threat of terrorism swiftly and effectively.

Honourable senators, I likewise urge you not to weaken the tools available to our law enforcement agencies. Even those of you who harbour doubts about the necessity of these tools must realize that the motion before you today calls for only a three-year extension, during which time further review of these powers will be undertaken by Parliament and possibly by the courts. Do not weaken our counter-terrorism arsenal by allowing these important provisions to expire.

I thank you, honourable senators, for hearing me out.

Hon. Mobina S.B. Jaffer: Will the honourable senator take a question?

Senator LeBreton: Absolutely.

Senator Jaffer: The honourable senator spoke about assault convictions and people entering into peace bonds. I am sure the honourable senator will agree with me that investigative hearings are not trials. People have to enter peace bonds before it has been proven that they have committed any acts. Would the government leader agree that these are extraordinary powers?

Can the government leader explain why, when we have extraordinary powers that have not been exercised for five years, we need to continue these powers? Obviously, the police have found other powers to exercise.

For example, 19 people were arrested under the Anti-terrorism Act, yet these powers were not used. From what the honourable senator said, I understand that the investigative hearings are to prevent future terrorist acts, not past terrorist acts. Therefore, why do we need these powers?

Senator LeBreton: I thank the honourable senator for that question, which could best be answered by some of the people directly involved in developing the federal anti-terrorism bill, the former Minister of Justice and the former Deputy Prime Minister. I have listened to debate on both sides.

The tools in question are investigative tools for authorities, who were not able to use them without very strong oversight, as I mentioned in my remarks. The use of these tools requires the approval of the Attorney General and a judge. Some would argue that the mere fact that we have such investigative tools acts as a deterrent. As well, it is important that Canada honour its international obligations set by the United Nations and the obligations to member states in the United Nations.

Great Britain had a provision whereby authorities could hold someone for seven days, which was later doubled to 14 days and is now at 20 days. That provision in the laws of the United Kingdom allowed authorities to prevent another horrific tragedy by arresting suspects before they were able to board an aircraft from Great Britain to the United States. Tools like this are preventive.

• (1450)

Many share the view that we would be sending a bad signal to our global neighbours if we took away from our authorities a provision that they could use to intervene and perhaps prevent a terrible tragedy.

Our ambassador to the United States eloquently expressed another serious matter concerning our international reputation. He pointed out that he has spent much of his time convincing people that Canada is not a safe haven for terrorists.

It is possible for people to misunderstand or misrepresent the intention. If this provision were not allowed, we would have to battle the perception, not only of our neighbours to the south but of all the people in the world with whom we deal who are part of the instruction from the United Nations, that we are no longer able to assist or work with them using these preventive tools.

On motion of Senator Tardif, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Milne*)

Hon. Lorna Milne: Honourable senators, I would like to join the debate today about the importance of supporting literacy in Canada.

As the United Nations states, “Literacy is a human right, a tool of personal empowerment and a means for cultural development.”

Literacy today means so much more than just reading and writing. Promoting higher levels of literacy in this country means that Canadians will become greater contributors to a skills- and knowledge-based economy, be better equipped to understand and act on a variety of health care information, including doctors’ instructions, dosage schedules, consent forms and insurance paperwork, and will be better to help their children in their social and educational development, not to mention the improvements individuals will see in their own career development and quality of life. Recent research in Canada also suggests that higher levels of prose literacy is linked to higher levels of community involvement and volunteer activity.

However, for economic reasons alone, the impact of meeting our literacy challenges could be even more significant. The Canadian Policy Research Network and the C.D. Howe Institute have both reported that recent research shows that the returns to investment in skills upgrading of less educated workers are three times as great as for investment in physical capital. The research indicates that raising literacy and numeracy for people with the fewest skills is more important to economic growth than producing more highly skilled graduates. Statistics Canada’s research also shows that adult learning can make a significant difference in terms of the economic well-being of those with relatively low educational attainment.

Based on the research, I think we can all agree that the benefits of higher literacy levels are varied, wide-ranging and cumulative. Any decrease in efforts will have negative ramifications, not only now but for future generations, who will pay for what we have neglected — lost opportunities.

Where are we now and how are we doing compared to other countries? Not badly. Results of the OECD Programme for International Student Assessment have demonstrated that Canadian students are performing relatively well in reading in the majority of provinces, and that overall we are doing better than many other countries in ensuring that all students are learning to read and write, regardless of their household income.

Research has also shown that the literacy scores of Canadians without a high school diploma are lower than their counterparts in countries such as the United Kingdom, Australia, Germany,

Sweden, Finland and Denmark, even though we are better off than those in the U.S. This is troubling because the population in Canada 35 years and older without a high school diploma, according to the 2001 census, is 5.8 million, roughly the size of the population of Greater Toronto.

Generally speaking, four in 10 Canadians of working age still fall below the literacy benchmark widely considered necessary for success in today's knowledge economy. The situation is even bleaker for the unemployed because over one half have literacy skills below this threshold. As further proof of the link between literacy and employment, far fewer Canadians with jobs are below the literacy benchmark, about one third. Of course, many adults with substandard literacy levels are indeed working, but most hold jobs with a low literacy requirement, jobs that, as we all know, are becoming harder to find and harder to find and keep as the technology and literacy demands of our society increase.

Concerns about literacy are obviously not restricted to Canada. Literacy is of such concern worldwide that the United Nations General Assembly declared the period from 2003 to 2012 as the United Nations Literacy Decade, because of three reasons.

First, over 861 million people worldwide are without access to literacy. Second, literacy is a human right, as it is the linchpin to basic education, which was recognized as a human right over 50 years ago in the Universal Declaration of Human Rights. Third, literacy efforts up to now have proven inadequate, at national and international levels.

How is Canada celebrating this United Nations Literacy Decade? Surely, if the United Nations saw fit to devote an entire decade to literacy, the federal government must be doing everything it can to ensure that this country does its part. Not so.

In September 2006, Prime Minister Harper announced a shocking \$17.7 million cut over two years to the Adult Learning, Literacy and Essential Skills Program. This program operated in partnership with the provinces and territories to promote literacy across the country by supporting coordination, promotion and learner recruitment, professional development, research, partnership development and sharing of best practices.

As we have heard, the work that has been conducted and the infrastructure that has been created over the past 20 years is now being lost and Canadians who have the most to lose will suffer the most as a result.

An investment in literacy and lifelong learning is a direct investment in Canada, both today and for our future. We all pay the price when we ignore this critical issue.

• (1500)

Honourable senators, I hope the government will come to its senses and recognize the importance of literacy promotion. I urge senators opposite, even those who are not listening to me, to push for greater investment on this vital issue without delay. Just put it into the upcoming budget.

On motion of Senator Stratton, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;
4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;

5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;
16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly

in its efforts to implement the above demands.
—(Honourable Senator Segal)

Hon. Terry Stratton: Honourable senators, Senator Segal would like to speak to this motion; however, unfortunately, he is unable to do so today and asks permission of this chamber to rewind the clock.

The Hon. the Speaker: We will have to follow the *Rules of the Senate* in that a substantive intervention has to be made. If a substantive intervention is made, the adjournment would then be in order.

Hon. Sharon Carstairs: Honourable senators, I shall say a few words on this motion, following which I should like to see it adjourned in the name of Senator Segal.

This motion has been put forward with respect to a resolution on combatting anti-Semitism and other forms of intolerance — which is, I believe, something to which we can all concur. I should like to see this matter immediately pass this chamber, but a reference has been made to send the matter to the Standing Senate Committee on Human Rights. I have asked Senator Grafstein in the past what exactly he would like the committee to do with it. I must assure Senator Grafstein, and all members of this chamber, that all of the members of the Standing Senate Committee on Human Rights are in complete accord on the acceptance of this resolution. The concern is about what should happen with the resolution in terms of the activities of this chamber. My own view is that we should pass it, because it is an important motion for us to pass.

On motion of Senator Carstairs, for Senator Segal, debate adjourned.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks, pursuant to notice of February 21, 2007, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit at 5:30 p.m., Tuesday, February 27, 2007, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, the Minister of Natural Resources and the Deputy Minister of Natural Resources are free to appear before our committee between 5:30, which is the appointed earliest time the committee can meet, and exactly 7:00, at which time they will leave, so we must spend that hour and one half with the minister and the deputy minister. I hope honourable senators will agree to pass the motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Terry Stratton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourn today, it do stand adjourned until Tuesday, February 27, 2007, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 27, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, February 22, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 + observations 2 at 3rd	07/02/15		
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30	07/02/20	(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
				(bill 07/02/20 Legal and Constitutional Affairs)					
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 + 3 at 3 rd Observations (including 1 amend. to report) 06/11/09 Total 158	06/11/09 Message from Commons- agree with 52 amendments, disagree with 102, agree and disagree with 1, and amend 3 06/11/21	06/12/12	9/06
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06							
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11							
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs	07/02/15	0			
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance (withdrawn) 06/12/13 Foreign Affairs and International Trade	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06
C-26	An Act to amend the Criminal Code (criminal interest rate)	07/02/07							
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11	07/01/31	National Finance	07/02/13	0	07/02/14	07/02/21*	2/07
C-31	An Act to amend the Canada Elections Act and the Public Service Employment Act	07/02/21							
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.2, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06
COMMONS PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-288	An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol	07/02/15							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources	07/02/14	0			
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17	07/02/20	National Finance					
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							
S-223	An Act to amend the Access to Information Act (Sen. Milne)	07/02/15							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07	07/02/21*	

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

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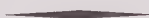
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OFFICIAL REPORT
(HANSARD)

Tuesday, February 27, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

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THE SENATE

Tuesday, February 27, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I am pleased to introduce two House of Commons pages who are participating in the page exchange this week. Ms. Maeve Byrne of Edmonton, Alberta, is enrolled in the Faculty of Social Sciences at the University of Ottawa where she is majoring in political science. Ms. Brittney Rabinovitch of Midhurst, Ontario is studying at the Faculty of Social Science at the University of Ottawa where she is majoring in international development and globalization.

SENATORS' STATEMENTS

PRIVY COUNCIL OFFICE

CREATION OF PUBLIC APPOINTMENTS COMMISSION—LEADER OF THE GOVERNMENT— CORRECTION TO RECORD

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, in Question Period of last Thursday, my response to a question from Senator Milne was not as precise as it should have been. While the balance of my answer clearly indicated that I was well aware that the Federal Accountability Act contains provisions to establish a public appointments commission, I began by saying that this was not the case. My intention was to indicate that the commission in the Federal Accountability Act was not in place yet, partly because a proposed candidate for the position of commissioner was not accepted by the other place. I wish to apologize to honourable senators for any confusion or misunderstanding my words may have caused.

• (1405)

IMMIGRATION ACT

SUPREME COURT RULING ON SECURITY CERTIFICATES

Hon. Serge Joyal: Honourable senators, last Friday, the Supreme Court of Canada, in the case of Charkaoui, Almerai, and Harkat, in a unanimous decision of its nine judges, ruled that the security certificates provided under the Immigration Act are in violation of three sections of the Charter of Rights and Freedoms. The impugned sections are section 7, "the right to life, liberty and security of the person. . ." and sections 9 and 10, declaring the "right not to be arbitrarily detained, and the right to be promptly informed of the reasons therefor."

The court concluded that Parliament should amend within a year the Immigration Act to serve the principles of fundamental justice, even in times of the fight against terrorism.

The court stated in its opening remarks that,

One of the most fundamental responsibilities of a government is to ensure the security of its citizens.

The court did not recognize as such a right to security but, rather, the responsibility of the government to enact legislation against terrorism that conforms to the Constitution and, in particular, the guarantee stated in the Charter of Rights and Freedoms.

The Supreme Court of Canada judgment is opportune: It strikes the right balance and leaves Parliament with its responsibility to enact amendments that serve the principles of our democratic values that respect the importance of human life, liberty and the rule of law.

Last Thursday, February 22, the day before the Supreme Court of Canada decision, the special Senate committee established three years ago to review the Anti-Terrorism Act tabled its unanimous report in the Senate Chamber. The committee sat on Mondays, held 34 sessions and heard 150 witnesses, reviewing not only the anti-terrorism legislation but also the security certificates contained in the Immigration Act and used in the fight against terrorism. The committee devoted 25 pages of its report and 11 of its 40 recommendations to amendments that it concluded are needed to make the security certificates conform to the principles of fundamental justice. Let me remind you that the title of the Senate committee report is "Fundamental Justice in Extraordinary Times."

The point I want to make is the following: The substance of the recommendations on security certificates made last Thursday by the Senate committee are to the same effect as the conclusions of the Supreme Court of Canada judgment of last Friday. Let me state them: First, a special advocate should act as an independent counsel in the Federal Court reviewing the reasonableness of the proof justifying the issuance of a security certificate, in order to maintain the right balance between the need to not disclose secret information and the right of the detainee to be provided with a fair defence.

Second, the foreign national or permanent residents who are the subject of a security certificate should both be brought before a judge within 48 hours of their detention, and not 120 days as provided in the act.

Finally, the length of detention of a person under a certificate should be reviewed by the court on a regular basis to avoid unlimited time of detention.

The expertise developed by the members of the Senate committee should be useful to our chamber when, within the next year, the government introduces the amendments to the Immigration Act that the Supreme Court of Canada decision has requested.

Honourable senators, the Senate has lived up to its constitutional duty to consider in depth the respect of the Charter of Rights and Freedoms on one side and the need for efficient anti-terrorism measures on the other.

INTERNATIONAL WOMEN'S DAY

Hon. Nancy Ruth: International Women's Day is coming soon. It is a day for community, celebration and commitment. It is a day to dance with women in our own communities and around the world. You all still have time to join in the celebration in your community as there are many going on across Canada.

The Grain Grower's Guide of July, 1914 has a wonderful, pro-suffrage post card with the caption: "I want the vote. I mean to have the vote and that is the sort of girl I am!"

Since the middle of the 19th century, women in Canada have wanted equality; they mean to have equality and they set out to achieve equality for themselves, for their families and for their communities. That is the sort of women we are.

A hundred years ago, in 1907, Marie Guerin-Lajoie and Caroline Beique, co-founded the Fédération nationale Saint-Jean-Baptiste in Quebec. It was an association of Francophone women who wanted to promote their civil and political rights. They sought reforms to the Civil Code and pushed for a commission of inquiry into the rights of women.

• (1410)

Fifty years ago, in 1957, Jean Lumb sat beside Prime Minister John Diefenbaker, the only woman in a large group at a meeting marking Canada's commitment to changing immigration laws that separated Chinese families. She played a pivotal role in the movement for change. Jean Lumb was the first Chinese-Canadian woman to receive the Order of Canada.

Twenty-five years ago, we were on the eve of the coming into force of Canada's new Constitution. Its key equality rights provisions owed their promise to the women who demanded that they be strengthened and the women who proposed the changes.

This year, Sheila Watt-Cloutier has been nominated for the Nobel Peace Prize. International Chair of the Inuit Circumpolar Conference, she is working to bring the world to understand her community and how it is threatened by environmental degradation.

I will not be here 25 years from now, and the Senate will have changed. There will be more women, and they will reflect and represent the diversity and depth of our country. They will be working on new issues. That is because we, in Parliament today, intend to get it right. We will make progress on early childhood education, safe spaces for girls and women in and outside of the home, and equal access to work and compensation. Senators, let's do it.

Hon. Mobina S. B. Jaffer: Honourable senators, in celebration of March 8, I attended a conference on "Gender, Peacekeeping and Peace-building," hosted by the United Nations Association of Canada. Participants ranged from journalists to independent human rights consultants and academics.

I was fortunate enough to attend this March 8 International Women's Day conference, where prominent issues regarding women in conflict zones came to the forefront of our agenda. There was a public forum of women peacekeepers in the evening.

Honourable senators, I spoke on the need for Security Council Resolution 1325 to be adopted in order to address the culture of war that women experience, and to underline the importance of Canada's participation in all aspects of UN operations so that we can include more women in decision-making.

The former Secretary-General, Kofi Annan, stated in his report on women, peace and security, that:

We can no longer afford to minimize or ignore the contributions of women and girls to all stages of conflict resolution. . . . Sustainable peace will not be achieved without the full and equal participation of women and men.

The panel discussion centred on Central Asia, particularly where the plight of Afghan women remains dismal. Honourable senators, let me remind you what Afghan women are facing: 85 per cent of Afghani women are illiterate; about 95 per cent are routinely subjected to violence in the home; and the average life expectancy for a woman in Afghanistan is around 42 years. Women doctors in Kabul maternity hospitals describe terrible, life-threatening wedding night injuries that husbands inflict on child brides. In the countryside, far from medical help, girls die. In 2003, scores of cases of self-immolation were reported in the city of Herat. The following year, as many were recorded in Kabul. Outside in the countryside, the situation is even worse.

Honourable senators, there was real concern at the conference for the dire condition of women in Afghanistan, and that only 3 per cent of aid is going specifically for women's programs. The clear message from the conference was that we need to do more for Afghani women in order for us to become partners for change.

Further, the message I was asked to bring to this honourable chamber was that Canadians are expecting us senators to be more vigilant in protecting the rights of Afghani women and ensuring that more aid is given to them.

[Translation]

Hon. Andrée Champagne: Honourable senators, as we celebrate International Women's Day today, some time before the traditional date of March 8, I am sure that many people will remind us of those women who, through their hard work and perseverance, guided us along unfamiliar roads not so long ago. During this special day, we will talk about people like Roberta Bondar and Julie Payette. We will hear about Jeanne Sauvé and Michaëlle Jean. We will talk about all of these women and so many others who have risen to heights that we, in our youth, would have thought impossible.

• (1415)

Thinking back, we will remember that right here in Canada, we had to wait until 1929 for women to be recognized as persons. We must continue to do all we can to improve the lives of women here at home regardless of where they come from, and we must spend time and money helping women here and abroad. If we look closely, it is sad to see how much still needs to be done in our world.

Little girls are still forced to remain illiterate, to marry once they reach puberty or to undergo female circumcision. Around the world, women are sexually assaulted, beaten and raped. In what we think of as a better world, qualified women are still refused jobs just because they are women or are forced to accept a lower salary than a man doing the same work.

Taking the time to remember these realities once a year is not nearly enough. We are trying to rekindle our desire for equality on behalf of all women.

Yet on this special day, I cannot help but think of all the women we never talk about. Women who, for generations, have worked in the shadows, women who have paved the way and are still paving the way for others, women who have secured and will secure for all women the place they deserve in our universe.

Today, after their day at work, how many women will return home with a smile to take care of their children and household? How many grandmothers will look after the next generation after raising their own children? How many teachers, in addition to teaching square roots and grammar rules, will sow seeds of hope and pride in the hearts and minds of their students? How many nurses will hold the hands of people who are seriously ill or dying?

These women will not win the Nobel Prize or the Pulitzer, but they still play a hugely important role in our lives.

On International Women's Day, we will naturally salute all the women who have done great things to improve our world. Let us also think about all the women who quietly go about spreading smiles and love to everyone around them and all the women who invite us to continue working to make equality a way of life.

Although International Women's Day is still, unfortunately, a day for making demands, it should also be a special time for thanking the women who chose to give us life, teach us and motivate us to make a better world for women everywhere. Today, I am talking to them, I thank them and I encourage them to carry on.

TOLERANCE CARAVAN

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, today I want to thank one of our colleagues, Senator Yoine Goldstein, for agreeing to attend the ceremonies marking the official launch of the Caravan Against Racism and Discrimination in Brooks, Alberta, last Friday.

The presence of Senator Goldstein, one of the founders of the Tolerance Foundation in Quebec and co-chair of the foundation's board, raised the profile and elevated the importance of the Caravan Against Racism and Discrimination in Alberta. This event is inspired by activities organized by the Tolerance Foundation in Quebec.

The Alliance Jeunesse-Famille de l'Alberta Society organized the event. The purpose of the project is to promote greater understanding of marginalization, prejudice and discrimination, while increasing cooperation among schools, youth, the police, the media, and the community.

[Senator Champagne]

The AJFAS partnered with French school boards, immersion schools, and a number of other local and government partners with the goal of putting an end to racism. This year, the Tolerance Caravan will travel to 14 regions in Alberta, which is a significant increase compared to last year.

[English]

As Canadians, we need to address the issues surrounding the racial, cultural and ethnic diversity that composes our country. As a people, we face many challenges and we need to instill positive values in our youth — such as understanding, accepting and appreciating those differences that form the fabric of Canadian life.

[Translation]

I can assure you, honourable senators, that our colleague's presence at the event was greatly appreciated by the Francophone community of Alberta and helped call attention to the important work achieved by that organization.

• (1420)

[English]

INTERNATIONAL WOMEN'S DAY

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to acknowledge International Women's Day and to urge all Canadians to renew efforts to make the issue of equality of women a top priority for legislators.

While we often laud the more developed countries for their progress in achieving equality for women in Parliament, the Inter-Parliamentary Union has noted that setting targets of 30 per cent, which is the critical mass to make a difference, creates its own glass ceiling. Those countries that have set targets of 30 per cent seem to be unable to move beyond this target to achieve real equality.

It is worth noting that new and emerging democracies and countries emerging from conflicts have provided mechanisms in their constitutions, electoral systems and other processes for ensuring a certain level of women's participation in government and in governmental structures. While women bring their own styles, their own perspectives and their own methods of work, changing the culture for full acceptance is still a challenge.

The Standing Senate Committee on Human Rights recently pointed out, in its report entitled *Employment Equity in the Federal Public Service — Not There Yet*, that while the target set for women in the public service has been reached, the growth has been primarily at the lower levels. The executive category is still under-represented. The need for more representation in Parliament and our legislatures is obvious.

Honourable senators, we in the Senate can demonstrate to the public service and to Canadians that we take women in leadership seriously. As pointed out in our report, it is not the need for more laws, or indeed policies; it is the need to embrace change, differences and real support. We are privileged that two leaders have chosen women to represent both the government and the official opposition in the Senate. We can show our support for

Senator LeBreton and Senator Hervieux-Payette in their leadership capacities by working with them all year long and not only on International Women's Day. We can also show support for the women who work in the Senate by ensuring that our procedures and practices are inclusive.

As the Inter-Parliamentary Union has stated:

Women transform parliaments by being themselves. Their presence in parliament and their active participation in the legislative process are necessary for the articulation of women's issues. Women change parliament to make it reflect the society they want to create. . . . While it is true that one woman can make a difference, it is equally true that women will only make a significant impact in parliament if they are present in sufficient numbers.

[Translation]

ROUTINE PROCEEDINGS

MISSION IN AFGHANISTAN

REPORT TO PARLIAMENT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of tabling, in both official languages, the Report to Parliament on Afghanistan entitled *Canada's Mission in Afghanistan: Measuring Progress*.

THE ESTIMATES, 2007-08

MAIN ESTIMATES TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3) of the *Rules of the Senate*, I have the honour to table, in both official languages, Parts I and II of the 2007-2008 Estimates for the fiscal year ending March 31, 2008.

CLERK OF THE SENATE

2006 ANNUAL ACCOUNTS TABLED

The Hon. the Speaker: Honourable senators, pursuant to Chapter 3:05, paragraph 5(1) of the *Senate Administrative Rules*, I have the honour to table the statement of receipts and disbursements for the fiscal year ended March 31, 2006.

THE ESTIMATES, 2007-08

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2008, with the exception of Parliament Vote 10.

NOTICE OF MOTION TO REFER VOTE 10 TO STANDING JOINT COMMITTEE ON LIBRARY OF PARLIAMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2008; and

That a message be sent to the House of Commons to acquaint that House accordingly.

• (1425)

QUESTION PERIOD

JUSTICE

ANTI-TERRORISM ACT—RECOMMENDATIONS OF REPORT OF SPECIAL COMMITTEE

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. This government has introduced a motion to extend by three years the provisions of the Anti-terrorism Act. The Prime Minister probably misinterpreted the Senate committee report when he said that the Senate supports extending these provisions.

We in this chamber know that this is not the case: the committee has proposed a whole host of changes for improving this legislation in a broader context. Prime Minister Harper seems to be saying, "Trust us; let us extend these provisions and maybe we will not worry about human rights, or maybe we will, later".

For over a year now, we have seen how difficult it is to trust this government and to take it at its word. Does the Leader of the Government in the Senate intend to impress upon the Prime Minister that he has to take into consideration all the committee recommendations, and not just the ones that appeal to him?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I wish to thank the honourable senator for her question. The Anti-terrorism Act is an important act designed by the previous government to protect Canadians against acts of terrorism.

Today, the families of the Canadian victims of the events of 9/11 are here urging parliamentarians to support the extension of provisions of the Anti-terrorism Act. The Prime Minister made it clear that he would like the opposition in the other place to pay

heed to the recommendations of the Special Senate Committee on the Anti-terrorism Act. He indicated that all of the recommendations of the Senate committee warranted careful study, and he specifically urged all parliamentarians to support this important piece of legislation which, as we know, has been widely supported by many members of the party opposite.

As I said in my speech in the Senate last Thursday, we have proof positive that these types of measures work. They were mandated initially by the United Nations, and we saw tangible results when those same provisions were used in the United Kingdom to prevent a serious terrorist attack, where many planes might have been brought down into the Atlantic Ocean enroute to the United States from Great Britain.

Hon. David P. Smith: Honourable senators, my question is also for the Leader of the Government in the Senate. Senators are aware that last week the Special Senate Committee on the Anti-terrorism Act tabled its report, representing more than two years of work. The committee heard from about 150 witnesses and made 40 recommendations. Its members functioned on a non-partisan basis and achieved a unanimous consensus on the report. That is healthy and desirable when possible, although it is not always possible. Our committee believes that our report represents a balance between security and human rights issues, and I hope we will continue on that basis.

• (1430)

I would like an indication from the Leader of the Government in the Senate that the first five recommendations will be treated as a package. They all deal with one issue, and I hope to get an understanding of the government's reaction to them.

We have to redefine in the Criminal Code what constitutes a terrorist activity, and this relates to the first five recommendations. Establishing "terrorist activity" requires that the motive be political, religious or ideological. I readily concede that this provision was drafted by the previous government. It is not perfect. The problem is that in establishing a motive, that part of the code focuses particularly on the religious aspect. Many people, particularly from the Muslim community, felt that this had a lot to do with what caused racial profiling.

Is the Leader of the Government in the Senate in a position to advise this chamber as to whether the government is committed to changing or removing that requirement?

Senator LeBreton: Honourable senators, I agree with my honourable friend's comments that the Senate committee produced a serious and outstanding piece of work, in a non-partisan way, and made some valid recommendations. Senator Nolin and Senator Andreychuk briefed our caucus.

As the Prime Minister has indicated, the government is willing to implement the committee's recommendations that a clear statement and explanation indicating whether provisions remain warranted be included in each annual report on the use of these provisions. The Prime Minister was clear that he thought the recommendations of the Senate were a means to resolve this matter.

Several options were given to the opposition to be considered. Unfortunately, all the overtures in the other place by our House leadership and the Minister of Justice have met with a firm "no"

from the leadership of the Liberal Party in the other place. That is an unfortunate set of circumstances because it will have an impact on how Canada is viewed by the world community.

As I mentioned in my speech on Thursday, it is fairly well-known that the United Nations mandated member states to put provisions in their laws that would work to prevent acts of terrorism happening within their own countries. I believe that the actions in the other place will send a bad signal to our NATO partners, our UN partners and our North American neighbours.

IMMIGRATION ACT

SUPREME COURT RULING ON SECURITY CERTIFICATES—TIMELINE OF REVIEW

Hon. David P. Smith: Honourable senators, I would like to raise the question of timing. As the Leader of the Government in the Senate knows, the Supreme Court of Canada last week, by a vote of nine to zero, said that certain matters had to be addressed that they identified as problematic and that Parliament would have a year. That is fair enough; there is no argument.

• (1435)

To get this exercise underway, can the Leader of the Government in the Senate identify an approximate date of when the government might bring forward a legislative package on these issues? To give an example, can we know that we can work on them before the summer break, say at the end of May, about three months from now. Is that a reasonable target to see a package so that we do not lose the summer and we might be in a position to work on the package throughout the summer? I am trying to get a feel for when we might be able to roll on this.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. I do not know exactly what timetable the government is considering, except that the government is reviewing the Supreme Court decision on the security certificates carefully. As Minister Day responded publicly, we intend to respond in a timely and decisive fashion to address the court's decision. However, I cannot give the honourable senator a specific timetable as I am not a clairvoyant, but I will certainly let my colleagues know his views on this matter.

NATIONAL DEFENCE

AFGHANISTAN— SUPPORT OF OTHER NATO COUNTRIES

Hon. Jane Cordy: My question is also for the Leader of the Government in the Senate. One of the biggest problems facing NATO and Afghanistan is the issue of national caveats. Many of the 37 countries contributing to the NATO-led International Security Assistance Force, ISAF, in Afghanistan, have set restrictions on their troops or the use of their equipment. The caveats significantly reduce the personnel a commander has at his disposal.

During the NATO summit last fall in Riga, the supreme commander of NATO urged allied countries to remove national restrictions on their forces' operations in Afghanistan, saying that such caveats adversely affect commanders' abilities in fighting Taliban insurgents.

Can the Leader of the Government in the Senate tell us what this government is doing to ensure that other NATO allies are willing and able to relieve Canadian troops in Afghanistan? What are this government's plans if NATO countries other than Canada, the United Kingdom, the Netherlands and the United States refuse to remove caveats allowing their troops to be in Kandahar and southern Afghanistan?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question. I cannot respond to a hypothetical situation about, what if other NATO countries do whatever. A report was tabled yesterday, an update on the situation in Afghanistan, as was promised last year when the mission was extended. Yesterday, an announcement was made of an additional \$200 million to aid the people in Afghanistan, not only to train police, but also to train medical workers and teachers. The progress is slow but serious work was done in Afghanistan and the work will continue to be done.

I am aware of the recommendation at the NATO meeting. I will take that particular portion of the honourable senator's question as notice.

Senator Cordy: Thank you.

Honourable senators, the situation is not hypothetical. Canada, the U.K., the Netherlands and the U.S. are the ones who are losing their young people, their armed forces in the south of Afghanistan. That situation is happening now. I was in Brussels last week and was interviewed by the media from the Netherlands on that question specifically.

My supplementary question is about the Canadian combat mission in Afghanistan set to end in February of 2009. This government has a responsibility to NATO to send a clear signal of Canada's intentions to establish 2009 as a firm end date. We must insist that other NATO nations share the burden of building a stable and democratic Afghanistan.

• (1440)

Will the government signal Canada's intentions to NATO so that they can begin the process of looking for a replacement? Are we developing an exit strategy so we are not shutting the door but rather putting a plan in place that serves the Afghanistan people well when we leave?

Senator LeBreton: I thank the honourable senator for the question.

I was not suggesting that our involvement, or that of the Dutch, the British or the Americans, was hypothetical. The honourable senator asked me about other NATO countries. There have been some hopeful signs that other NATO countries are prepared to step up.

Concerning the question of the honourable senator with regard to 2009, we are one year away from the commitment that was made by the previous government to move into Kandahar. We have been there for a year. To make an assessment in February 2007 about a situation that may exist in 2009 is a bit premature.

JUSTICE

JUDICIAL APPOINTMENTS—PLACEMENT OF POLICE REPRESENTATIVES ON SELECTION COMMITTEES

Hon. Mobina S. B. Jaffer: My question is also to the Leader of the Government in the Senate.

All of us have a great deal of respect for the work of our police forces and for the professionalism they display day in and day out. They are great representatives of our country.

However, the government's recent move to add a member from the police forces at the expense of a vote from the judicial representative on judicial appointments committees has me baffled. These committees make recommendations for appointments to the superior courts. The work of the court is overwhelmingly in the field of civil and family law. Several jurisdictions have superior courts devoted entirely to family law.

The police in our country are exposed to a relatively small part of the bar, with expertise of limited value to the court. The police can have little say about the civil and family bar. The point of appointing more lawyers, presumably for prosecutors perceived to be tough on crime, with no experience in the majority of fields in which the court operates is counterproductive.

My question to the Leader of the Government in the Senate is: Why appoint policemen on a judicial committee that recommends judges to the whole judiciary system?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question.

I answered a similar question before Christmas from Senator Milne. We have made changes to the judicial advisory committees, which were, by the way, as I pointed out, set up in 1988 under the previous Conservative government.

If the honourable senator were to go back and check the record at the time that those committees were set up — Senator St. Germain will remember this — there was a great hue and cry that we would influence the judiciary unfairly by having these judicial advisory committees, and the committees turned out to be a valuable resource.

We made 16 changes by adding 16 members to the committees across the country, and we added a police officer. Police officers are first responders, the front-line people who deal with victims of crime and are well positioned to understand, and do understand, the law. We know the police are in our court system working on court cases.

Frankly, I do not see or understand why the addition of a police officer in any way would undermine the ability of the committees to provide advice — it is only an advisory committee. Ultimately, the decision is the Minister of Justice's and the government's.

I think the fears of having a police officer added to these committees are unfounded because I am confident that at the end of the process we will appoint people to the judiciary who are extremely competent and will represent the law in a competent and unbiased way.

• (1445)

Senator Jaffer: Honourable senators, I have a supplementary question, if I may, to ask of the leader. When appointing a policeman to these boards, why do they see it as necessary to take away the voting power from the judiciary?

Senator LeBreton: Honourable senators, first of all, these are advisory committees and the judiciary will have a vote when there is a tie. Anyone I have talked to who has served on these various committees, whether they happen to be Liberal, Conservative or non-partisan, have told me that, by and large, when names come before these committees, there is pretty broad consensus. It usually never comes down to a situation where people are divided. However, in that case, if there was a divided opinion and it ended up in a tie, the judge on the committee would then break the tie.

INTERNATIONAL TRADE

GERMANY—BAN ON SEAL PRODUCTS

Hon. Lorna Milne: Honourable senators, yesterday Germany's agriculture minister stated that he intends to introduce a national ban on the import of all seal products. The seal hunt represents an average of about \$3,000 in annual income for each of the approximately 5,000 Canadians involved in this industry. In areas that experience considerable unemployment rates — in fact, unemployment rates that are 30 per cent higher than the Canadian average — this is a significant amount of income.

My question for the Leader of the Government in the Senate is as follows: What proactive measures is this government taking to combat the introduction of this ban? What steps is this government taking to ensure that the livelihood and the reputations of thousands of citizens of Quebec, New Brunswick, Newfoundland and Labrador, Nunavut and Canada's Aboriginal peoples are preserved?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. There is no dispute that the seal industry is a very vital industry on our East Coast, in particular, and in the North. I was made aware just this morning of the decision in Germany, and I will simply take the question as notice. I do not know what the official response will be. I would be happy to obtain an answer as quickly as possible.

The seal hunt, of course, has a great defender in the person of Senator Herveux-Payette. I remember last year when she put up a vigorous defence of the sealing industry and was applauded for it, an accolade which she quite rightly deserved. However, I will be happy to take the honourable senator's question as notice.

Senator Milne: I thank the honourable senator for that answer. However, I would point out that, as President of the Canada-Europe Parliamentary Association, I have been fighting this battle at the Council of Europe for more than three years now. It is now out of the hands of parliamentarians. It is into the ministerial level, and it is essential that the Prime Minister of Canada step up to the plate. I urge the leader to ask him — to plead with him — to please take some proactive measures as soon as possible.

Senator LeBreton: I thank the honourable senator for her question. I will be happy to take her very strong support of this industry and her views to my cabinet colleagues. Of course, the sealing industry always does attract a lot of attention at this time of the year. I remember, just as an aside — and Senator Segal will remember this — back in the 1970s when Mr. Stanfield was the leader of the party and I was in charge of correspondence. I was very sympathetic to those cute little white faces, and I kept drafting letters and drafting letters. Finally Mr. Stanfield said to me, "I think we had better get a new drafter for the letters, because this ain't cutting it."

In any event, I decided thereafter to make myself very familiar with the importance of the sealing industry, and I take the honourable senator's comments seriously.

• (1450)

Senator Milne: In light of the letters that she once wrote, I would remind the Leader of the Government in the Senate that Canada has not been killing those cute little white animals for well over 20 years now.

Senator LeBreton: Actually, I knew that, and I am really dating myself, but this incident occurred more than 20 years ago. It was actually in the early 1970s. I am well aware of the situation that has prevailed for 20 years. Unfortunately, that is one of the myths that still perpetuates itself around the world.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

QUESTIONS TO CHAIRMAN

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate. Last Tuesday, the Standing Senate Committee on Foreign Affairs and International Trade presented to the Senate an excellent report which has received a lot of positive attention in the country. It was accompanied by an excellent speech by the then chair of the committee, Senator Segal, who informed us at the time of its provenance and hard work that had been done by his committee and by its predecessors on that report, and on the logic and context of the 40 recommendations that are contained within it.

That drew to our attention the important matters having to do with Canada's involvement in Africa, and I took the opportunity of reading the report, as did many Canadians, on the subsequent day, which was Wednesday.

On Thursday during Senators' Statements, Senator Segal rose and made a speech in which he referred to having resigned from that committee. On that day, I had wanted to ask a question about the report, and I will do so when the time arises. When that matter came up in the ensuing Question Period, I asked the Leader of the Government in the Senate of whom I should ask questions regarding the report, since Senator Segal has told us that he is no longer chairman.

Her response to me was:

Honourable senators, this is supposedly a chamber of sober second thought. A childish question like that does not warrant an answer.

I have come here for the specific purpose of asking stupid questions; that is my job. Could the honourable leader please explain to me how and in what way my question was childish?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Obviously, the whole Question Period the day before was involved with these particular issues of internal caucus matters. Senator Segal's speech on the Africa report was, I agree, a very thoughtful and splendid speech. The report was widely praised and acknowledged, and I would simply say to the honourable senator that I took his question in the context of the timing when it was delivered and, as I said at the time, I will not respond to questions on internal caucus matters.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to an oral question raised in the Senate by Senator Dallaire, on February 21, 2007, on the Aboriginal Healing Foundation.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

ABORIGINAL HEALING FOUNDATION— SHORTFALL IN FUNDING

(Response to question raised by Hon. Roméo Antonius Dallaire on February 21, 2007)

The Aboriginal Healing Foundation is to receive an endowment of \$125 Million on the Implementation Date of the Indian Residential Schools Settlement Agreement. This endowment will allow the Aboriginal Healing Foundation to continue to provide support and healing to former students and Aboriginal communities across Canada.

Canada's New Government is working with the Aboriginal Healing Foundation to ensure that its important work continues as we move toward the implementation of the Settlement Agreement. The Minister has instructed his officials to bring forward for his consideration options to bridge the gap in funding between the beginning of the next fiscal year and the anticipated Implementation Date of the Settlement Agreement later in 2007.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Joyce Fairbairn: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That pursuant to rule 95(3) (a) the Standing Senate Committee on Agriculture and Forestry be authorized to sit between Monday, March 5, 2007, and Friday,

March 9, 2007, inclusive, even though the Senate may then be adjourned for a period exceeding one week.

• (1455)

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Tkachuk, seconded by the Honourable Senator Eyton, for the second reading of Bill C-9, to amend the Criminal Code (conditional sentence of imprisonment).

Hon. Mobina S.B. Jaffer: I am pleased to rise in response to Bill C-9, and to respond to the remarks our colleague, Senator Tkachuk, made last week.

There is mutual respect between the two of us, though I think the respect he has for me might have less to do with the fact that I am a lawyer, than it does with the fact that I am the daughter of a farmer.

Senator Tkachuk called for us to proceed in a spirit of bipartisan cooperation, and I think that is appropriate. In fact, bipartisan cooperation in the other place made this bill what it is today. The bill is different from the one introduced in May of 2006. Senator Tkachuk also gave a good summary of why he believes conditional sentences were added to the Criminal Code in the first place. I want to revisit some of the things he said, because it is important that we understand the basic principles behind criminal sentencing.

As honourable senators know, conditional sentencing was introduced in 1994 in Bill C-41. That bill added new sections to the Criminal Code but for the first time, defined the purposes and objectives of sentencing. This definition gave the courts direction from Parliament when imposing a sentence. Furthermore, judges were required to give reasons for sentencing in all cases. This requirement was meant to increase public accessibility to the law concerning sentencing, to make sentencing more understandable and predictable. The purposes of sentencing set out in section 718 of the Criminal Code is as follows:

- (a) To denounce unlawful conduct;
- (b) to deter the offender and other persons from committing offences;
- (c) to separate offenders from society, where necessary;
- (d) to assist in rehabilitating offenders;
- (e) to provide something for victims and the communities;
- (f) to promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community.

At the time Bill C-41 was introduced, Canada had an extremely high rate of incarceration compared to most other industrialized countries. This incarceration was not only expensive but the studies showed that it was not effective. Sometimes incarceration even had the effect of reducing the chance that a first-time or a minor offender could be rehabilitated and returned to society as a law-abiding citizen.

The Department of Justice during Mr. Mulroney's government was among those saying that Canada's overreliance on incarceration was counterproductive. In the 1990s, a discussion paper set a framework for sentencing, corrections, conditional release and direction for reform. The report said we instinctively look to long sentences to punish offenders, yet the evidence shows that long periods served in prison increase the chance that the offender will offend again.

In the end, public security is diminished rather than increased if we throw away the key and then return offenders to the streets when their sentence expires, unreformed and unsupervised.

This brings us to the topic we are concerned about in Bill C-9, conditional sentencing. Bill C-41 gave the courts the flexibility to allow the conditional sentence for any offence that was not subject to a minimum prison term, where the court imposed a sentence of less than two years' jail time.

These sentences must comply with the principles of sentencing I outlined earlier, and the court must be convinced that there is no risk to public safety.

• (1500)

As I mentioned before, judges must give detailed reasons for sentences handed down. I would like to take a moment to lay down exactly what a conditional sentence is. According to section 742.3(1) of the Criminal Code, a conditional sentence requires that the offender:

- (a) keep the peace and be of good behaviour;
- (b) appear before the court when required to do so by the court;
- (c) report to a supervisor within two working days, or such longer period as the court directs, after the making of a conditional sentence order, and thereafter, when required by the supervisor and in a manner directed by the supervisor;
- (d) remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the supervisor; and
- (e) notify the court or the supervisor in advance of any change of name or address, and promptly notify the court or the supervisor of any change of employment or occupation.

In addition, a court that imposes a conditional sentence may require an offender to:

- (a) abstain from the consumption of alcohol or other intoxicating substances, or the consumption of drugs except in accordance with a medical prescription;

- (b) abstain from owning, possessing, or carrying a weapon;
- (c) provide for the support or care of dependants;
- (d) perform up to 240 hours of community service over a period not exceeding 18 months;
- (e) attend a treatment program approved by the province; and
- (f) comply with such other reasonable conditions as the court considers desirable... for securing the good conduct of the offender and preventing a repetition by the offender of the same offence or the commission of other offences.

Honourable senators, there is a common misconception that conditional sentences and prison sentences are the same, except that the person serving a conditional sentence gets to live in the comfort of his or her own home and gets to move about the community, subject to modest restrictions. This is not true. Conditional sentences must be served full term; there is no remission. A breach of conditions imposed by the judge, for which there is a very low threshold, results in incarceration to the end of the term. In those respects, conditional sentences can be much harsher than incarceration. The range of conditions that can be imposed, including complete house arrest, can effectively result in a very serious reduction of liberty.

For judges, it is mandatory, not optional, to consider the conditional sentence provisions of the code where the threshold conditions are met. This is Parliament's explicit direction; not an example of judicial softness on crime.

Honourable senators, this gives judges discretion in laying down a sentence that keeps in mind the need to maintain public safety while evaluating the offender and the case on an individual basis. Catch-all rules, like those proposed in the original version of Bill C-9, severely limit that discretion.

The Canadian Bar Association noted in their brief to the committee of the other place that this could eliminate an important alternative to incarceration in cases where it may well be appropriate. They "trust in judges' extensive legal and practical experience and their independent role in the justice system."

They go on to say that:

The judge at trial has the opportunity to observe the accused, learn of the accused's history and current circumstances, hear all the facts of the particular case, and become aware of the prevailing conditions in the local community.

It is my observation that the present government believes that judges have overstretched this discretion, and that they have failed to adequately punish violent crime. That is why they have changed the judicial appointment process with the stated intention of appointing more judges who share their ideology. That is also why they introduced Bill C-9 in its original form. I agree with the Canadian Bar Association that this bill, had it

passed, would have severely undermined judicial independence and discretion and led to a dramatic increase in the rate of incarceration.

Honourable senators, the bill before us today strikes a balance, clarifying Parliament's will on sentencing for the courts without reducing our judges to the level of machines, unable to weigh the circumstances and context of a given case. I want to continue by further underlining the principle that I believe is really at the heart of conditional sentencing.

Incarceration is not always the answer. We could just throw everyone who offends into jail, but in most cases we cannot throw away the key. Most prisoners or convicted people sooner or later are released from prison and they must learn to live in our society. It can be beneficial to both the individual in question and society as a whole if the individual learns new skills and lives within the society.

Our colleague has given us a number of cases in which he believes conditional sentencing has failed. Senator Murray made note of the fact that sometimes these cases, when seen in their proper context, can seem to be more justified than they originally appeared. I agree with him because in my career as a lawyer, I have seen conditional sentencing work for everyone involved.

I will not go into the specifics or names of any case, but I want to add some examples of my own. A few years ago in British Columbia, a man sexually assaulted his young son. Rather than being sent to jail, he was given a conditional sentence. It was an awful crime, perpetrated by a father who had abused his position of trust and authority. If we left this case off here, it would probably contribute to the loss of public confidence in the sanction and administration of justice that the honourable senator spoke about; but consider some of the circumstances that led to this decision. First, the family was dependent on this man for child support payments and alimony. Unless he continued working, they would lose this source of income and likely become completely dependent on our welfare system. What is more, in prison there would have been no way to compel this very sick individual to seek counselling for his problems.

The judge in the case saw that the man was resistant to seeking treatment. Had he been incarcerated, he might have been released without condition after two years or less without ever having received any treatment, and with few or no conditions. What is more, under the terms of his conditional sentence, he was confined to his home between the hours of 6 p.m. to 7 a.m., and allowed to leave his home outside of those hours only for work, counselling and grocery shopping. He was required to continue paying child support and spousal benefits, and to attend counselling sessions a minimum of once per week — more if his counsellor felt it was necessary.

It was not an easy sentence for this man; he might have even preferred prison. However, it was what was best for his family, best for society and, ultimately, best for him as well. Under the version of Bill C-9 that was introduced last May, this option would not have been available.

Another case involved a young man from Afghanistan who was convicted of assault. Once again, the court chose to impose a conditional sentence. Once again, it might be taken as an example

of failure on the part of the court if we do not look at the individual factors of this case. This young man had been severely affected by the violence in Afghanistan. In fact, he had, at one point, been imprisoned against his will in a small room in isolation. The judge felt that imprisonment might only serve to further traumatize and reinforce the problems that had contributed to the original offence. Society would not be served by a sentence of incarceration.

The court ordered that he find work, reporting regularly to his supervisor on his employment; that he perform 40 hours of community service per month for as long as he did not have a job; that he undergo regular counselling; and that he remain indoors from 7 p.m. to 7 a.m.

Honourable senators, these are examples of conditional sentences that would be impossible under the version of Bill C-9 that was tabled in the House of Commons last May. Even under what my colleague proposed in his remarks, it is unlikely that there would have been any alternative to incarceration in these cases.

I know and I respect Senator Tkachuk's wishes to compromise; and I know that in committee we will be looking at this bill very thoroughly, and we will then come back and put the recommendations of the committee to this chamber.

• (1510)

Honourable senators, I want to address another aspect of Bill C-9 — the impact it will have on the administration of justice. In particular, I want to talk about the impact that this legislation will have on our legal aid system. This issue is of great importance to me. It is important in my province of British Columbia, in my community and in communities around this country. This issue affects the most vulnerable Canadians. If I may quote once again from the Canadian Bar Association's submission to the committee in the other place:

In its current form, the proposal will undoubtedly lead to more trials as a result of fewer guilty pleas. That factor alone will eliminate any perceived justice efficiencies, and certainly increase demands for legal aid funding. In addition to the huge costs of incarcerating people, particularly in circumstances where the offender and the offence committed do not represent a danger to the community, there will be enormous social costs. . . . Further, the lack of judicial discretion to achieve a just result in a particular case will have a disproportionate impact on populations already over-represented in the justice system, notably the economically disadvantaged, Aboriginal people, members of visible minorities and the mentally ill.

The program threatens individuals who depend on the legal aid system. Single mothers seeking unpaid child support, women trying to break away from abusive relationships and divorced fathers seeking visitation rates to their children will be hurt by this legislation. As legal aid funding is drawn toward the criminal side, legal aid for civil cases will invariably suffer. Both types of legal aid are already stretched to the limit.

Honourable senators, I respectfully state that it is telling that the first budget of this government provided additional money for prisons to accommodate the influx as we turn back to an overreliance on incarceration. However, despite unanimous calls

from provincial premiers, and warnings from the legal aid community in my province and elsewhere that this legislation would break the back of legal aid in this country, the government has not moved to restore or stabilize legal aid money they send to the provinces to administer the system.

Despite positive changes to the legislation proposed by the other place in this bill that is before us today, I still believe that the bill deepens the problem that already exists. I continue to urge the government to restore and stabilize legal aid funding. There will be a budget in less than one month and I sincerely hope that money is set aside for legal aid.

Honourable senators, I look forward to the opportunity to examine this proposed legislation in detail in committee, to address the issues that my honourable friend and I have raised, and to bring those recommendations to this honourable chamber.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Tkachuk, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE AND MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the fourth report (interim) of the Standing Senate Committee on Official Languages (*proposed Regulations introduced in response to the Federal Court decision in Doucet v. Canada*), tabled in the Senate on February 22, 2007.—(Honourable Senator Chaput)

Hon. Maria Chaput: I move:

That the fourth report of the Standing Senate Committee on Official Languages concerning proposed amendments to the *Official Languages (Communications with and Services to the Public) Regulations*, tabled in the Senate on February 22, 2007, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government, with the President of the Treasury Board being identified as Minister responsible for responding to the report.

She said: Honourable senators, the Standing Senate Committee on Official Languages has submitted its report concerning proposed regulations introduced in response to the Federal Court decision in *Doucet v. Canada*.

[Senator Jaffer]

On October 7, 2006, the Government of Canada published proposed regulations in the *Canada Gazette* amending the *Official Languages (Communications with and Services to the Public) Regulations* in order to make it consistent with the decision handed down by the Federal Court in *Doucet v. Canada*.

The *Doucet* case began in March 1998 when the applicant was arrested for speeding on the Trans-Canada Highway in Amherst, Nova Scotia. The RCMP officer was unable to speak French. The applicant contested, explaining that significant demand should be determined according to the number of Francophones travelling on the Trans-Canada Highway. The Federal Court ruled that the number of Francophones travelling on the Trans-Canada Highway was high enough to constitute significant demand.

In the fall of 2006 and early winter 2007, your committee heard evidence from several witnesses, including the Commissioner of Official Languages, representatives of the Association des juristes d'expression française de la Nouvelle-Écosse, the President of the Treasury Board and representatives of the Royal Canadian Mounted Police.

The Commissioner, Graham Fraser, described the change to the regulations as minimalist, and would have preferred that the government take advantage of the opportunity to modernize the regulations more comprehensively. Mr. Fraser added that he could not support the regulations as they were currently worded. According to him, the requirement to show an annual demand for services of at least five per cent disregards the Federal Court's decision, because the judge accepted the evidence that the demand for services in French from the travelling public in that region largely exceeded five per cent. The Commissioner suggested that the regulation be amended accordingly.

The Association des juristes d'expression française de la Nouvelle-Écosse also recommended amending the regulation in order to recognize the special mandate of RCMP detachments patrolling the Trans-Canada Highway, in order to ensure that services are always available in both official languages. The association also suggested amending the "significant demand" criteria in order to recognize the right of the public travelling on the Trans-Canada Highway to receive services from the RCMP in the official language of their choice.

• (1520)

The President of the Treasury Board, the Hon. John Baird, told the committee that the proposed regulations were a specific response to a specific problem, but he maintained that he was open to suggestions.

Having analyzed the witnesses' testimony, the committee is of the opinion that the proposed regulations reflect a minimalist approach and could have had a broader reach.

While recognizing that the RCMP has made some progress in recent years in increasing the bilingual capacity of its police force, the committee believes that it is time the RCMP took a proactive approach and developed a plan to improve the offer of bilingual services along the Trans-Canada Highway.

It is also the committee's view that the time has come for an in-depth revision of the *Official Languages Regulations* on communications with and services to the public to ensure,

among other things, that the regulations take into account the language rights of all those travelling on the Trans-Canada Highway.

I thank all the members of the Standing Senate Committee on Official Languages for their commitment and their cooperation, and we look forward to the government's response.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[English]

IMMIGRATION POLICY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Callbeck calling the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.—(*Honourable Senator Tardif*)

Hon. Mobina S. B. Jaffer: Honourable senators, today I rise to speak on this important issue of citizenship and immigration in Canada.

Canada is the land I am proud to call my home. As you all know, I was welcomed into this great country as a refugee myself when I was fleeing from Uganda. Millions have taken similar actions and continue to come to our great country.

Our immigration system must be good enough to keep up with that demand and to deal with each person in a dignified and respectful manner.

Honourable senators, today I share with you some of the cases that have come to my attention since I have come to this august chamber. The one issue that continually comes to my attention is the issue of skilled workers class applications.

The parents of a woman from the United Kingdom were living here in Canada and her father died suddenly. Her sick mother was alone and had no one to care for her. The mother had chronic kidney problems, a heart functioning at only 20 per cent, high blood pressure and she had had a previous heart attack. This woman from the United Kingdom applied for permanent residence as a skilled worker eight months prior to her father's death.

Desperately, after the death of her father she wrote to immigration asking that her application be expedited so her mother could receive the assistance she needed. She was told that it would take 54 months before immigration would even look at her file. In the meantime, her mother was left to the care of people here in Canada.

I put this question to honourable senators: Should allowances be made for people who, in the end, will come to our country?

Challenges with sponsorship applications are as follows. Well-educated immigrants want to come to Canada to open their own business. They are also coming to care for their aging parents and their parents' needs here in Canada.

In June 2004, they sent in their application. Upon arrival to the immigration office, their application is processed with a "received" date and enters our system. The application sits there collecting dust for another 28 months. These people want to improve our economy. Within those 28 months, their father dies. They are stricken with grief about their father's death and worry about their mother who is now in India.

They ask me what I can help them with. There is little I can do for them. Their mother's file is first reviewed in New Delhi in six months. The final average processing time is another 36 months. These people, who have now set up a business in Canada, are told that it will take three years to bring their aging mother to join them in Canada.

As of today, sponsorship applications for parents that were sent in on November 2004 are being processed in 2007. Honourable senators, I respectfully ask you to examine what is wrong with our system.

On humanitarian and compassionate applications, a well-educated Jordanian woman is a principal at a local school. Her children see her as a modern, educated woman and they strive to be like her. She has two beautiful daughters. In her community, she is a wealthy and respected woman. For all intents and purposes she seems to have the perfect life, living in Jordan. However, behind the closed doors of her house, she endures beatings and threats to her life at the hands of her husband.

Jordan is a country known routinely to practice honour killings. Honour killing is the killing of a woman supposedly for showing disrespect or dishonour to a man or his family. This dishonour could come from simply speaking up to the man as to what a woman's rights should be.

This woman escaped to Canada and she came to see me when I first became a senator. She was absolutely traumatized. She could not cope with everyday life because of the years of torture she had undergone. She needed help to pick up the pieces. She needed help just to tell the story of what had happened to her. She thought people would not believe her.

Let me share her story with you. Her husband routinely beat her and tried to kill her several times, almost succeeding. She had four children. All four children saw their father beat their mother, leaving them with deep scars.

After her husband's repeated attempts at killing her, she found the strength to leave. She left her children, her career and family for one thing: her security, her safety.

We, in Canada, know that honour killings happen in many parts of the world, but our immigration system does not cope well with this practice. This woman applied as a refugee and was denied. She applied under the then Post-Determination Refugee Claimant of Canada class and was denied. She applied under the

Pre-Removal Risk Assessment and her application was denied. Thankfully, she received a positive decision under humanitarian and compassionate grounds. Honourable senators, she filed her first application in 1997. On January 12, 2006, many years later, she finally received her permanent resident status. It took her nine years to find safety. Why?

Honourable senators, imagine you are a woman in Iran, a country that treats women as property and not as human beings. Each day of your life, you are told how to dress, how to walk, how to look and what to do. Each day you are reminded of the horror that lies around the corner if you do not follow the rules. Your brother, cousin, and the boy next door have all spoken out, and they carry the physical and mental scars of torture. When you return home, you enter into your own torture. Your husband sexually assaults you and beats you to make you believe you are worth nothing, that you are "just a worthless woman." While this is happening to you, you worry about your children. You repeat to yourself over and over, "Please don't hurt my children. Just keep quiet and maybe the assaults will stop."

• (1530)

For years this woman put up with this torture. Her children were taken away from her and she was forced to be the second wife in her husband's family. Somehow she managed to find the courage to seek asylum in Canada. When she came to Canada to find relief, she was nurtured by a Christian family. She changed religions, which is a crime punishable by death in Iran. For five years she went painfully through our immigration system. Thoughts of her children alone without their mother made her cry many times. Some days she wanted to return to Iran, yet somehow she kept on going, thinking that Canadians would not let her down. Sadly, the immigration system failed her. She was days away from deportation, days away from her impending death if she returned to Iran as a Christian, when she approached my office.

I am very happy to say that this woman was given humanitarian and compassionate class status and now is a permanent resident. However, her challenges continue. She is still fighting to bring her daughters to Canada.

Another example I would like to share with you is that of a woman who stood for the human rights of all people in Iran, despite living in a country that only sees human rights for people of one religion. For her belief, she was tortured for two months and suffered severe traumas that have left evidence of torture on her body. I would not be able to describe her injuries such that you could understand the severity of them. She now suffers from post-traumatic stress disorder.

Immigration officers questioned her credibility, even though they saw the marks on her. She was denied status in our great country through all levels. Finally, at the last stage of humanitarian and compassionate grounds, she was granted status to remain here. This woman began being processed by the immigration system in 2001. Her file for permanent resident status will now process for another year. She is still waiting for status in our great country.

We hear much about refugee applications. We all know what recently happened in Lebanon. A Lebanese man endured tragic circumstances in his life and sought refugee status in our peaceful

country. He was found to be a refugee in 1999. In 2006, when all eyes were on Lebanon after the earthquake there, my thoughts turned to this man. His wife and five children were living in Lebanon when the earthquake hit. As our country was welcoming refugees devastated by that earthquake, we told this man that he had to wait longer to have his family come to Canada. Eight years after he was accepted here as a refugee, he is still waiting for his family to join him. That is why we need to do this study on how to make our process more dignified and respectful.

I would like to share another example with you. A woman living in China was desperate to care for her husband and mother. They lived in a very poor part of the country, having just enough food for their family. She felt that the only opportunity she had was to respond to an advertisement to be a waitress in Vancouver. She was told that she would make much more money in one month in Canada than she could in five years in China.

Upon her arrival in Vancouver, she was told she would not be working in a restaurant, but instead she would be working in a bawdy house. A steep debt was imposed on her. She was told that once she had worked off her debt, she would be set free. Her identification papers were taken from her. I have seen many who have been tricked into coming to my province, and they are in a desperate situation.

Honourable senators, we need to look into the situation of women trafficked into our country under our immigration system and then made to work in bawdy houses. There is much work that we must do to fix our immigration system. I join with Senator Callbeck in urging colleagues to study the immigration and refugee system and to make recommendations to eliminate these problems.

Finally, if I may share with you a personal story, in 1975 I was very warmly welcomed into this country. I was given permanent resident status before I arrived here, for which I have always been very grateful. If I had had to go through our refugee system, I would not have made it. When one has been tortured and threatened, it is very difficult to sound credible when you come to a new country because you do not trust the people who are asking the questions, which makes it difficult to get through the system. I would not have been accepted as a permanent resident.

On motion of Senator Andreychuk, debate adjourned.

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of

China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.—(*Honourable Senator Jaffer*)

Hon. Mobina S. B. Jaffer: Honourable senators, I stand today in support of this motion of Senator Di Nino, and I adopt everything that he has said on it. I wish to add only one thing.

In the last few years, I had the great privilege and honour of meeting with His Holiness the Dalai Lama. I urge honourable senators to pass this motion, because I fear, as I am sure you do, that His Holiness the Dalai Lama has not many years to live. I fear that if we do not support the return of His Holiness the Dalai Lama to his homeland, we will lose the benefit of his experience and wisdom. He is not asking for a separate state. He is asking only that his people be allowed to practise their religious faith and their culture.

Honourable senators, I urge you to pass this motion.

Hon. Jane Cordy: Honourable senators, I also rise to add my support to Senator Di Nino's motion to encourage the Government of the People's Republic of China and the representatives of Tibet's government in exile to continue dialogue to reach a peaceful solution.

The minimal progress that has been made by China with regard to the treatment of the Tibetan people is not enough. His Holiness the Dalai Lama has publicly stated that he is not seeking a sovereign Tibetan nation, but rather a Tibet remaining under Chinese rule while enjoying the right to freely practise their religion, culture and language without fear of government persecution.

Canada's international reputation dictates that we must not sit idly by but, rather, add our support and use our influence to facilitate an acceptable solution to this serious human rights issue. International support is growing for this initiative and I believe it is time for Canada to add its voice.

I hope that we will all support continued dialogue between the People's Republic of China and the Tibetan government in exile to come to a peaceful conclusion. Canada should have a role in influencing and supporting talks between China and Tibet, and for this reason I support Senator Di Nino's motion.

It is to be hoped that the issue of Tibet can be resolved by meaningful dialogue between the two sides.

On motion of Senator Cools, debate adjourned.

The Senate adjourned until Wednesday, February 28, 2007, at 1:30 p.m.

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Wednesday, February 28, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Wednesday, February 28, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

UNIVERSITY OF MANITOBA

ONE HUNDRED THIRTIETH ANNIVERSARY

Hon. Sharon Carstairs: Honourable senators, I invite you to join with me in congratulating the University of Manitoba, which celebrates its one hundred and thirtieth anniversary today.

Established in 1877 as Western Canada's first university, it has produced 170,000 graduates to date, including 86 Rhodes Scholars. Built in Fort Garry in Winnipeg's south end on a large land mass, the campus, due primarily to its agricultural component, features even today large green spaces unlike many other urban universities in our country.

The university has a large undergraduate component and has professional schools in medicine, law and dentistry. Although I am not a graduate, I knew in the late 1950s of its fine human ecology — then home economics — department and its particular focus on interior design.

At present, the university serves more than 35,000 students, including 2,661 international students. Of particular importance to me is the Access program — a program dedicated to accessibility and academic success, particularly focused on Aboriginal students. This program helps Aboriginal students meet their financial, academic and personal challenges.

Please join with me in congratulating a fine university with our best wishes for their continuing success.

[Later]

Hon. Mira Spivak: For a time in the 1950s, Canada's dollar bill bore the signatures of two men who graduated from the University of Manitoba, became Rhodes scholars and returned to Ottawa to serve their country with intelligence and conviction. One was Robert Beattie, Senior Deputy Governor of the Bank of Canada and the other was James Coyne, Governor of the bank from 1955 to 1961. It is one of the little known stories of graduates of the university that today marks its 130th anniversary.

Stories of the accomplishments of other graduates abound. Many of them are familiar names to all of us: Mitchell Sharpe, Edward Schreyer, Lloyd Axworthy, Brian Dixon, Bernard Ostry, Marshall McLuhan, Israel Asper, John Hirsch, Monty Hall and Phil Fontaine. This remarkable, rather small university on the prairies gave them an intellectual and moral grounding that helped them shape the political, legal, artistic, commercial and intellectual fabric of our country for generations. The University of Manitoba is also my alma mater, and the alma mater of others in this Senate.

Today the university serves more than 35,000 students in degree and continuing education programs. It is also home to a renowned program aimed at assisting students from Aboriginal and other backgrounds who face financial, academic or personal challenges in adjusting to the university experience. Without a doubt it is helping to forge the character of young people who will shape our country in the years to come.

On behalf of the Senate, I extend our thanks to the university for its former graduates. To the current faculty, administration and student body, I add our congratulations on your celebration of 130 years of service, and of course I extend our best wishes for many successful years to come.

ABSTINENCE-BASED RESIDENTIAL DRUG TREATMENT PROGRAMS

Hon. Gerry St. Germain: Honourable senators, the crime, disorder and illness associated with substance abuse is gripping the people of Vancouver with a horrible sense of despair, anger, confusion and doubt. The people of Vancouver are in search of solutions. No one doubts the complexity of the problem. The addicted are people whose human dignity has been erased. Many suffer as well from mental illness and from other effects of society's abuse.

Our response to date has failed them. It has been inadequate, unfocused and lacking in compassion. A city as prosperous, modern and beautiful as Vancouver can no longer turn its back on the victims of substance abuse. No longer can we write off an entire neighbourhood, warehousing people in one district with the hope that the problem will be invisible to most. A new strategy is needed urgently.

The federal government can play a new role in implementing a strategy that not only addresses Vancouver's problem but one that is consistent in its approach to the problem across the country. A strategy must have its ultimate goal: a society living free of the harm associated with substance abuse. Achieving that goal must involve a complex, multifaceted approach.

In recent years, some have advocated a four-pillars approach, combining harm reduction with more traditional strategies of prevention, treatment and enforcement. I will not argue the merits of each of those four pillars. Suffice it to say that the ultimate goal is successful treatment of an addict, where, at full recovery, abstinence from substance abuse enhances the lifestyle of the abuser and eliminates the human toll associated with the illness.

Given this kind of logic and practical thinking, honourable senators, how could one support a drug strategy that embraces legal drug substitution as a so-called treatment for drug addiction? The "Inner Change" proposed response to Vancouver's widespread drug problem is at worst, ill-conceived, founded on unsound research and at the least, a risky proposition. This drug substitution program further advances a drug culture, reinforcing the notion of socially acceptable drug use. The program also fails to demonstrate compassion for those suffering from the addiction illness by dismissing abstinence-based treatment as the preferred medical option.

The "Inner Change" proposal is one further step in an insidious campaign to change cultural attitudes and to label those afflicted with substance abuse disease as somehow permanently disabled and incapable of ever making lifestyle changes. Such a policy direction offers no compassion, little hope and huge risk.

Honourable senators, I urge the Minister of Health and the federal government to adopt the national drug strategy that includes increased federal support for abstinence-based residential treatment programs in Vancouver and elsewhere — a strategy that is founded on hope.

• (1335)

[Translation]

INTERNATIONAL WOMEN'S DAY

Hon. Pierrette Ringuette: Honourable senators, March 8 marks International Women's Day and this year's theme is "Ending Violence Against Women: Action for Real Results".

Often, when we reflect on violence against women, as Canadians we tend to think about the situation facing women in developing countries — which is completely justified, given their plight of constant poverty, often under totalitarian, dictatorial, military or religious rule.

It is certainly easier to talk about places around the world where violence against women is so much more apparent and given so much media coverage. However, when we take a closer look at violence against women right here in Canada — yes, in our own back yard — we must admit that thousands of Canadian women of all ages are victims here at home. They are victims not only of physical violence, but also other forms of violence committed by their male counterparts.

The systematic discrimination within our government policies has led to a kind of social violence. Positive hiring practices, child care programs, literacy programs and even the employment insurance system have not always helped women improve their situation. Economic discrimination against certain women also constitutes a form of violence.

In our so-called "wealthy and developed" country, pay inequity remains a problem for Canadian women, in both the public and private sectors.

• (1340)

For older Canadian women, our fiscal policies and Canada pension plan are archaic in their design and delivery. In fact, women seniors must be separated from their spouses in order to benefit from the economic justice of these programs. In Canada, 15 per cent of our children and their mothers live in poverty.

In the order of 51 per cent of women in Canada were victims of an act of physical or sexual violence after turning 16 years old. In other words, almost 8 million Canadian women have been victimized. You will agree that this statistic is alarming and deserves particular attention. Canadians are right to call for proactive programs to eliminate all forms of violence.

Let us restore the Canadian Council on the Status of Women in order to keep women's issues a federal responsibility.

Let us restore funding for literacy programs in order to equip thousands of Canadian women for a better future.

Let us establish a truly universal child care system so that our young mothers can reach their full potential and contribute to the Canadian economy with peace of mind.

Let us review our employment insurance program in order to enable women working in our seasonal economy to leave the quagmire of poverty.

Let us increase funding for shelters for women who are victims of violence.

All this is now possible because the federal government has a surplus. On March 19, the Harper government will table a budget. Will our Prime Minister move towards social and economic justice or will he continue to lean hard to the right leaving individuals to their own devices?

More than 52 per cent of the voters in this country are women, Mr. Harper; take action at last, for real results!

Hon. Maria Chaput: Honourable senators, March 8, 2007, is the 30th anniversary of International Women's Day.

This important day gives us an opportunity to celebrate progress achieved in promoting women's rights and to take a close look at the difficulties women are still facing.

• (1345)

Let us celebrate Canadian women of yesterday and today and the essential role they have played and continue to play in making this country one of the best in the world.

This is a celebration of ordinary women who have shaped and are shaping history. Women on every continent, regardless of their ethnic, linguistic, cultural, economic and political differences, are united in celebrating this day.

"Ending Violence Against Women: Action for Real Results" is Canada's theme for International Women's Day 2007.

We all know someone, a woman who has experienced violence. All Canadians want to make a difference in the lives of women who are forced to face such challenges.

Let us hope that, together, we can take the necessary measures to end this violence so that women and girls the world over can live peacefully and safely and participate fully in their societies.

On a more personal note, I would like to express my admiration and friendship to all of the women I have met in my life, to those who were there to help me when I needed it and to those who have understood and supported me throughout my life.

Hats off to all women, and especially to my Senate colleagues today.

[English]

INTERNATIONAL CRIMINAL COURT

Hon. A. Raynell Andreychuk: Honourable senators, Parliamentarians for Global Action, a coalition of approximately 1,300 parliamentarians from democratically elected parliaments, have taken on the campaign for the ratification and implementation of the International Criminal Court, the Rome Statute.

As convenor of the International Law and Human Rights program of Parliamentarians for Global Action, I welcome two important developments that occurred yesterday for the effectiveness and universality of the International Criminal Court. In The Hague, Prosecutor Luis Moreno-Ocampo submitted evidence to the pre-trial chamber on atrocities allegedly committed by the Deputy Minister for the Interior of Sudan and a chief of the Janjaweed militia in relation to 51 counts of alleged crimes against humanity and war crimes, including persecution, torture, murder and rape committed in Darfur in 2003 and 2004.

In Tokyo, in another important development and milestone in connection with the ICC, the Government of Japan tabled its bill to Parliament for accession to the Rome Statute of the ICC.

Senator T. Inuzuka, deputy convenor of the PGA International Law and Human Rights program, who visited Darfur in August of 2006, stressed the importance of the prosecutor's submission to the pre-trial chamber, and stated that:

... at a time in which the Government of Japan decided to fulfill its promise to join the Rome Statute of the ICC by submitting the relevant Bill for Accession to the Legislation Committee of the National Diet of Japan. Members of the international community have a collective responsibility to protect the undefended population of Darfur and must now support the judicial action of the Court.

Sudan is not yet a party to the Rome Statute of the ICC, although they signed that treaty on September 8, 2000, thus agreeing to the principle of refraining to defeat the object and purpose of the treaty, as envisaged in the Vienna Convention on the Law of Treaties. I trust that these measures will go some way to halting the violence and fighting impunity in Darfur.

• (1350)

VETERANS INDEPENDENCE PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, the federal government should need no reminder of its responsibility for the well-being of those who fought for our freedom and for those who supported our veterans here at home. The federal government should ensure that no one is neglected. The debt we owe to our veterans and their loved ones is beyond measure.

As you will recall, I initiated an inquiry in this house on inequities in the Veterans Independence Program, VIP, and, specifically, eligibility of spouses for survivor benefits. I was pleased when, on December 7, 2004, the former Minister of Veterans Affairs announced that the VIP had been expanded, and that this particular inequity had been corrected.

Unfortunately, there are still those who are unable to benefit from the VIP and who are equally deserving of these benefits — the surviving spouses of veterans who would have been eligible but did not participate in the VIP themselves. These veterans had never applied, perhaps because of pride or an unwillingness to accept government help. Perhaps the couple worked on the chores together or the spouse was healthy enough to perform the work alone. Now, despite a desperate need for help with housekeeping and grounds maintenance after a veteran has passed away, these survivors are not eligible for assistance.

During the election campaign, the Prime Minister committed to extending the Veterans Independence Program to the spouses of all veterans of the Second World War and Korean War, regardless of when the veteran died. That commitment was more than one year ago and widows and widowers across the country are still waiting.

Honourable senators, we hear so much about the benefits to seniors of staying in their homes, close to the support of family, friends and loved ones. In the long run, it makes more financial sense to expand a program such as the VIP. The cost of assisting people to live on their own is far lower than the cost of taking care of them in a residential nursing home. We must do whatever we can to assist these women and men to remain in their own homes for as long possible.

The bottom line is that today's surviving spouses have dealt with the impact of their partners' war experience for their entire lives. They were left waiting at home while their loved ones went off to war. They stood by our veterans and cared for them in their later years. They have surely paid a service to Canada and to Canada's war effort. I urge the Conservative government to honour its election commitment and extend the Veterans Independence Program as it had promised during the election campaign.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration presented the following report:

Wednesday, February 28, 2007

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRTEENTH REPORT

Your Committee has approved the Senate Estimates for the fiscal year 2007-2008 and recommends their adoption. Your Committee notes that the proposed total budget is \$87,030,000.

An overview of the 2007-2008 budget will be forwarded to every Senator's office.

[Translation]

Respectfully submitted,

GEORGE FUREY
Chair

(For text of budget, see today's Journals of the Senate, Appendix p. 1134.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

BILL TO AMEND THE LAW GOVERNING FINANCIAL INSTITUTIONS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-37, to amend the law governing financial institutions and to provide for related and consequential amendments.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1355)

[English]

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

ECONOMIC AFFAIRS AND DEVELOPMENT
COMMITTEE MEETING AND SESSION
OF PARLIAMENTARY ASSEMBLY,
JANUARY 18-26, 2007—REPORT TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association, regarding its meeting of the Committee on Economic Affairs and Development held in London, United Kingdom, from January 18 to 19, 2007, and its participation in the First Part of the 2007 Ordinary Session of the Parliamentary Assembly of the Council of Europe held in Strasbourg, France from January 22 to 26, 2007.

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Lise Bacon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to sit on Tuesday, March 13, 2007, and Wednesday, March 14, 2007, even though the Senate may then be adjourned for a period exceeding one week.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY GOVERNMENT CHANGES TO
CONSULTATIVE COMMITTEES RECOMMENDING
CANDIDATES FOR JUDICIAL APPOINTMENT

Hon. Serge Joyal: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Legal and Constitutional affairs be empowered to review the changes introduced by the Government in the composition and mandate of the consultative committees recommending candidates for judicial appointment, in order to determine the impact on judicial independence and impartiality, and the manner in which this constitutional principle should be protected in the appointment process; and

That the committee submit a report on this matter to the Senate no later than October 30, 2007.

[Translation]

QUESTION PERIOD

JUSTICE

ANTI-TERRORISM ACT—
REVIEW OF RECOMMENDATIONS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. In the wake of the review of the renewal of the controversial sections of the Anti-Terrorism Act and the ensuing negative vote in the other place, and in the wake of the two reports issued by the two chambers, calling for a number of measures that would not only guarantee Canadians' rights, but ensure the public is protected, can the Leader of the Government tell us whether this government will promise to study those measures responsibly and thoughtfully in light of the recommendations and, in particular, the principles of balance

cited by the judges of the Supreme Court of Canada in a unanimous judgment handed down on February 23? Can she also tell us whether this government will refrain from manipulating public opinion by using emotional appeals from victims of attacks?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question.

The government has made it clear, in view of the decision of the Supreme Court and in view of the activities of yesterday, that it will be looking into all matters in this crucial and important file, including taking into consideration the serious and good recommendations of the Special Senate Committee on the Anti-terrorism Act, chaired by Senator Smith. The government will act judiciously and responsibly in the interests of Canadians and their safety.

I take offence to the honourable senator's comments about manipulating public opinion, when in fact the Deputy Leader of the Opposition in the other place spoke of the victims of 9/11 as just a sideshow. The Liberals' newly acquired member, Garth Turner, called them "props," and I can tell honourable senators that I do not think victims should ever be described as "props" or "sideshows."

• (1400)

[Translation]

PRIME MINISTER

AIR INDIA INQUIRY—COMMENTS REGARDING
FATHER-IN-LAW OF MEMBER
FOR MISSISSAUGA—BRAMPTON SOUTH—
REQUEST FOR APOLOGY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, speaking of this important issue, can the Leader of the Government in the Senate make her government stop attacking the reputation of parliamentarians with insidious, fallacious personal allusions and such allusions to their families?

Will her government also recommend to the Prime Minister that he apologize for all these actions that tarnish the reputation of our parliamentary institutions?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I have answered these questions before. The comments that the honourable senator is making are in reference to an article that appeared in the *Vancouver Sun* newspaper by an expert on the matter of the Air India inquiry, Kim Bolan. As has been noted and has been suggested, if people have difficulty with this particular article, they should take the issue up with the *Vancouver Sun*.

[Senator Hervieux-Payette]

FINANCE

BANKRUPTCY AND INSOLVENCY LAW— INTRODUCTION OF AMENDING LEGISLATION

Hon. Yoine Goldstein: Honourable senators, my question is addressed to the Leader of the Government. We all recall that, in the dying days of the last session, a bill was introduced, namely Bill C-55, dealing with bankruptcy, insolvency and amendments to that statute that were not properly amended in that specific period of time. Honourable senators will also recall that we agreed to pass that bill, subject to the understanding that the government would undertake not to promulgate it unless and until the Banking Committee of this institution had had the opportunity to deal with it and to make appropriate amendments.

We have been waiting for some period of time for an amending statute. Sometime in October, I asked the Leader of the Government in the Senate when the statute would be introduced. She responded privately that she hoped and expected it would be introduced before the end of the year. Indeed, true to her word, a ways and means motion was presented in the other place, but it was never tabled because the government was unable to obtain the unanimous consent of the other parties.

There are hundreds of thousands of stakeholders, hundreds of thousands of individuals who go into bankruptcy each year. Thousands of businesses across Canada are being restructured and thousands of employees are losing their jobs and do not have the benefit of the wage protection provisions contained in Bill C-55. It is urgent for this legislation to be presented. It exists; I have a copy of it. There is absolutely no reason for it not to be dealt with by the other place and then brought before this chamber so that it can be dealt with on behalf of all Canadians. It is admittedly not as sexy as the other legislation that the government prefers to introduce, but it is of grave importance for hundreds of thousands of Canadians.

My question is this: When will this legislation be put before the lower House and then brought here?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. He is absolutely right. He spoke to me many times about this matter in the fall. I am regularly reminded of it by my colleague, Senator Angus, who spoke of it to me as late as yesterday.

The motion was tabled in the other place, and as the honourable senator has pointed out, there was no agreement. It is a matter that I continue to raise, but it is rather like trying to unscramble an egg. It is a difficult piece of legislation. We even had various people from the private sector suggest that perhaps we should scrap the whole thing and start over.

I hope the honourable senator will accept my remarks as an indication that I am taking his question very seriously. I know his concern, as does my colleague, Senator Angus. I know of the commitment to have the bill come back before the Standing Senate Committee on Banking, Trade and Commerce. All I can promise the honourable senator is, like the little spider in the waterspout, I will try, try again.

• (1405)

Senator Goldstein: Honourable senators, my question was, when will the bill be introduced? Unanimous consent is not needed for that bill. The government chose to try to find it and did not, but the bill does not require unanimous consent.

My question is, and remains, when will the bill be introduced?

Senator LeBreton: Honourable senators, that question is serious and direct, and one I take seriously. I know my colleague, Senator Angus, is also urging a response as to when. I will once again go back and try to answer that specific and direct question.

Senator Goldstein: On the same question, can the Leader of the Government in the Senate take the question as notice and come back to us when we resume sitting in the middle of March with a particular date and time when the bill will be introduced?

Senator LeBreton: Honourable senators, I will take the question as notice, while ignoring the senator's exact wording. I do not and cannot take it as notice and then say I will definitely and positively have the date. I would hope to. I will take the question as notice and make every effort to have a response when we return in the week of March 19.

Hon. Jeremiah S. Grafstein: I have a supplementary question. As the Leader of the Government in the Senate will recall, when we were on the government side we were pressed to bring in this legislation. When it came to our committee in the dying days of the last Parliament, your committee, on a unanimous basis, felt that the bill needed serious renovation. Rather than deal with the renovation, which we could not do in the time period given to us, we received what I consider to be a solemn undertaking by our side, when we were the government, and also on the opposition side. The undertaking was to reintroduce this legislation, as amended, for consideration by Parliament on or before, I believe, the end of June, the proclamation date.

I hope that the Leader of the Government keeps in mind what Senator Goldstein has said and what our Banking Committee has felt. This legislation is non-partisan. We felt this important piece of legislation goes to the effectiveness and the productivity of our economy, as well as to the question of equity and fairness in our economy for those experiencing the problems of insolvency.

Having said that, this piece of economic legislation is as important as one will find. As Senator Goldstein so aptly said, it is invisible in the sense that it falls below the radar screen. It is not sexy, but it is important.

Having in mind the commitment that was given on the leader's side when she was in opposition, to bring it forward, echoed by us when we were on the government side, will the leader please bring that matter to the attention of the ministry and tell them they are holding up an important piece of legislation, when there is no longer any excuse for delay?

Senator LeBreton: I thank the honourable senator for his question. I will not debate what pieces of legislation are sexy and what pieces are not. However, the honourable senator's concerns are valid. Of course, when he was on the government side, I remember the piece of legislation well. I remember the position we took in opposition. What the honourable senator stated is true and serious. I will make the department aware of his strong views.

As I said to Senator Goldstein, trying to unscramble an egg is frustrating, but this complex piece of legislation requires a serious second look. That is not to say that there is any particular reason why it should not proceed.

• (1410)

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— PLEBISCITE ON MARKETING OF BARLEY

Hon. Lorna Milne: Honourable senators, on many occasions I have asked the Leader of the Government in the Senate questions about the ongoing barley marketing plebiscite in Western Canada. I have asked about the curious wording used in the plebiscite, and we have discussed the delay caused by a mistake made by the government in asking farmers to list both the tonnage and acreage of barley sold over the last five years in order to validate their ballots.

Now I pose a simple and more serious question to the leader: Why is a secret ballot not being used in this plebiscite?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. The balloting in this plebiscite is being conducted independently by the very reputable firm of KPMG. No one in this country who has had dealings with KPMG would question the integrity of their work. Far be it from me, or anyone else, to question the methods of KPMG. All confidentiality provisions will obviously be followed by them, and we will know the results only when the balloting is complete.

Senator Milne: Honourable senators, I thank the leader for her response, in which I am quite sure she is sincere. However, has the leader heard about the latest western protest group? It is a newly-formed organization of western grain farmers called Real Voice for Choice. It is a non-partisan farm group developed in response to the Conservative government's determination to undermine the Canadian Wheat Board.

I ask the leader again: What possible explanation is there for identification numbers on the ballots other than to enable this government to track down those farmers who, in the opinion of the government, vote correctly or those who vote incorrectly?

Can the leader explain to senators any possible purpose for having the ballots numbered to correspond to the number that identifies each producer receiving a ballot in this plebiscite?

Farmers who do not trust this government's intentions are purposely choosing not to vote for fear of retribution, such as a delay in their agricultural income stabilization payments next year if they vote against the government's intended result.

Canadians should never be afraid to voice their opinion. Canadians should never have to fear retribution by their own government. Yet, the barley producers in Western Canada are afraid to be honest on the ballot because they fear what the government intends to do as a result.

Does the leader not feel any shame?

Senator LeBreton: Honourable senators, it is quite something for anyone to question a reputable firm like KPMG. It is a secret ballot, and no one from the government will see the ballots or have access to the information that KPMG is using to conduct the balloting.

As I have said before, the honourable senator undermines people in the agricultural sector by saying that they are afraid. I do not believe that description applies to people in the agricultural community. They are smart people. They understand the questions clearly. They know that a reputable firm such as KPMG would not divulge private information.

• (1415)

I was unaware of the newly-organized protest group that was mentioned, but I did read in some publication that one such group had been organized, and is headed up by one, David Orchard.

Senator Oliver: Good response.

Hon. Tommy Banks: Honourable senators, I do not know anything about agriculture, but I am wondering if the leader has seen the ballot. I happen to have seen the ballot. It has a number on it and then it has a name right beside the number. How can that be a secret ballot? Has the leader actually seen and examined such a ballot? It is demonstrably not a secret ballot. There is a number and, on the part that is retained, there is a number with a name beside it. That does not sound like a secret ballot.

Senator LeBreton: I have not seen the ballot. I know what the questions are because I had to find out what they were in order to answer a question from Senator Milne in the past.

I have not seen the ballot. If the honourable senator has seen a ballot, obviously a barley producer has shown it to him. I have not seen the ballot; I have no interest in seeing the ballot. KPMG is conducting this ballot independently and I, for one, do not intend to question the integrity of a reputable firm such as KPMG.

Every time we vote in an election, we are on a numbered voter's list. We are handed a ballot when we go in to vote. We have a number and a name and there is information, otherwise we would not be able to vote.

However, I do not believe the information that KPMG is using to identify eligible voters — information that they will hold themselves — in any way undermines the privacy of the individual barley producers. I am absolutely certain that the government's only interest in this process is the results, and no matter who would ask, KPMG would never divulge information or material that they have used to properly distribute ballots to eligible voters. I cannot imagine how anyone could question a firm such as KPMG, which has a very solid reputation. I will not in any way entertain the impression that, somehow or other, they are suspect.

Senator Banks: Canadians do not put their trust in KPMG; they put their trust in the Government of Canada and the election process. Unless I am mistaken, I think the significant difference is

that when I tear off the ballot in an election and put it in the ballot box, there is no longer a number on it. There is a number on the ballot that I am handed, and I hand it back to the returning officer and he checks my name off the list. The piece of paper I put in the ballot box does not have a number on it, so that that vote cannot be traced to me or to anybody else.

I think it would be useful, since the leader is being asked questions about the secret ballot aspect of this referendum, to make it her business to look at the ballot form.

Senator LeBreton: The honourable senator is right. Canadians trust the government to conduct a fair voting process. It is clear that our position on this procedure was marketing choice, but once KPMG took over the process of conducting the vote, the honourable senators would be the first people on their feet if the government were to ask KPMG to divulge private, secret information that the employees of KPMG themselves require in order to conduct the balloting.

I believe Canadians trust the government to run a fair process and the government has turned over this process to KPMG. The government trusts KPMG, and I think the public does as well.

• (1420)

Senator Milne: I have a further supplementary question, if I may. I would like to know if KPMG also designed the questions on this ballot. Not only is the ballot itself not secret, but if KPMG are so reputable, how on earth did they manage to design such absolutely slanted questions?

Senator LeBreton: That is the honourable senator's point of view. I have read the questions. They are very clear and very fair. KPMG have been given the responsibility for conducting this vote.

As to the honourable senator's specific question about the precise body that designed the questions, I will take it as notice. I think we have been through this subject before. Barley producers will, at the end of the day, vote their choice.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

NATIONAL HOMELESSNESS INITIATIVE— UNDER-SPENDING OF BUDGET

Hon. Sharon Carstairs: My question is to the Leader of the Government in the Senate. Honourable senators, day after day in our major cities in this country, we walk or drive by homeless persons. These individuals, many of whom suffer from mental illness, others with drug-related problems and others who simply have not been able to fit into our society, wander the streets. They lack food and, all too often, accommodation and they have inappropriate or a complete lack of medical services.

Can the Leader of the Government in the Senate explain why, with this tragedy unfolding daily before our eyes, the homeless initiative of the federal government will under-spend its budget by some \$70 million?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. I will take the question as notice.

Senator Carstairs: The Leader of the Government in the Senate may also add the following: How many meals for the hungry; how many nights in appropriate accommodation and how many medical interventions could have been met with the expenditure of this \$70 million?

Senator LeBreton: I will add that to the question.

PUBLIC SAFETY

BORDER SERVICES AGENCY—ARMING OF GUARDS

Hon. Daniel Hays: My question is to the Leader of the Government in the Senate. In the last few days, namely on February 22 and February 27, I have noticed stories in the *Ottawa Sun* concerning the arming of border guards. If I read these articles correctly, the government is committing \$1 billion to the arming of 5,000 border guards.

The articles point out that between 25 and 30 per cent of the border guards do not even want to carry firearms on the job. Further, the cost of arming is one thing but because all of the guards will be armed, it will preclude the hiring of students during the summer months, which was a welcome opportunity for those students and of benefit to Canadians through the lowering of costs.

Can the Leader of the Government in the Senate advise whether this decision to arm all 5,000 border guards at a cost of \$1 billion is final, or whether—according to these articles—that decision is being reconsidered in terms of either not proceeding or else proceeding with arming only some of the guards, so that this horrendous cost can be reduced or minimized in some way?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. The decision to arm border guards was made and announced last August. It was made after considerable consultation with people who work along the borders.

• (1425)

I can remember seven or eight years ago being part of a committee where border guards appeared as witnesses. They asked then to be armed because of the situation at the borders with smuggling and people coming across with firearms.

Up to 100 officers will be trained by August 2007. With regard to the question about student summer jobs, the situation with regard to available jobs for our young people is quite good. We have a labour shortage all over the country. With respect to the summer student placement program, there are areas in the country where we do not have enough students.

Therefore, I do not think summer students will be without jobs as a result of this decision to arm our border guards.

Senator Hays: I do not think that the 1,300 summer students they normally hire, will welcome that comment.

I have a further question arising out of the articles. It seems the main reason for arming the border guards is the potential threat to them if someone approaches the border that may be armed. The article indicates that on 44 occasions last year, the guards abandoned their post altogether, claiming that without guns they were forced to work in dangerous conditions contrary to the labour code.

Subsequent investigations were carried out and none of those occasions posed any danger to the guards at that time.

Can the leader confirm that is the case?

Senator LeBreton: Obviously, if border guards abandoned their positions, even though it was later found that there was no reason to do so, they must have thought there was reason at the time.

Again, I go back to the original intent, which was to secure our borders and to keep drugs and firearms from coming across our borders. It was something that the border guards had requested for a considerable time.

Regarding summer students, there might have been a time when jobs like border guards were the only option for them. Now students have many options other than working along the border.

Senator Hays: The article points out that the border guard union has been concerned about the summer students and anxious that they not be hired.

My final supplementary question deals with the same two articles. The articles refer to an internal briefing memo to Minister Stockwell Day. If border officers are provided with side arms, other law enforcement officers, 450 park wardens, 6,800 correctional officers and 1,700 parole officers, will seek side arms. That is another 10,000 people with side arms, which will cost another \$2 billion. Can the leader confirm whether these expenditures are planned?

Senator LeBreton: With regard to the article, it was a column written by a columnist in the *Sun* newspaper chain. Columnists are entitled to their opinions. That is why they are columnists. The columns are not necessarily based on fact. Often they are based on rumours. Therefore, I will not get into a debate over that particular columnist and whether his opinions are accurate.

• (1430)

Going back to the question of students being employed along the borders and if there is any particular plan for students this year, I will seek further clarification and see if there are any other plans in place for students who wish to work on the border.

[Translation]

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Eyton, seconded by the Honourable Senator Meighen, for the second reading of Bill C-26, An Act to amend the Criminal Code (criminal interest rate).

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, in a past life, having sat for a number of years on the Standing Senate Committee on Banking, Trade and Commerce, I had the opportunity to conduct an in-depth examination with a former colleague, Senator Plamondon, of the possible problems encountered by Canadians with financial difficulties as a result of criminal interest rates.

As we know, the Senate passed Bill S-9 on June 28, 2005. This bill focused directly on section 347 of the Criminal Code on the issue of criminal interest rates. We conducted an in-depth examination of the bill and heard many witnesses including representatives from financial institutions and consumer groups as well as individual consumers.

The Standing Senate Committee on Banking, Trade and Commerce will have to reconcile the work done previously with what has been done on Bill C-26.

The government's Bill C-26 would allow a 60 per cent interest rate, which I consider to be not right at all. This bill is so thin, it will not prevent the abuse of the less fortunate who, for reasons of basic survival, have to borrow small amounts of money for which the interest rates and related charges can amount to as much as 150 per cent.

The definition of the term "interest rate", the meaning of protection, and reconciling consideration of Bill C-26 with the work of our committee will require a lot of work before the consumer is protected from this infamous 60 per cent interest rate.

Honourable senators, the Province of Quebec has passed a bill to limit the interest rate to 35 per cent, which, although still very high, is not considered usurious. Unfortunately, the other provinces have not legislated in this area, and this bill does urge the provinces to do so.

I find it interesting, and at the same time, discouraging, that Canadians will not be protected in the same way in every province. For example, people living in poverty in other provinces that do not have this legislation will not be protected from the abuses of these institutions, which make a great deal of money on the backs of the less fortunate.

I would therefore like to honourable senators of the important work already completed by the Standing Senate Committee on Banking, Trade and Commerce, which will examine this bill

today. After hearing dozens of hours of witness testimony during consideration of Bill S-19, I wanted to ensure that we could reconcile these matters and, above all, protect those less fortunate.

The Hon. the Speaker pro tempore: Honourable senators, it is moved that the bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

THE ESTIMATES, 2007-08

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of February 27, 2007, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2008, with the exception of Parliament Vote 10.

Motion agreed to

VOTE 10 REFERRED TO THE STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government) pursuant to notice of February 27, 2007, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2008; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to

CRIMINAL CODE

MOTION PURSUANT TO SUBSECTION 83.32(1)—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Di Nino:

1. That pursuant to subsection 83.32(1) of the Criminal Code, the application of sections 83.28, 83.29 and 83.3 of that Act be extended for a period of three years from the first day on which this resolution is passed by both Houses of Parliament.

2. That this Resolution come into force on the day on which it has been passed by both Houses of Parliament.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Order stands.

[English]

Hon. Lowell Murray: Honourable senators, my curiosity gets the better of me and there is, I think, a procedural point here. Am I correct in stating that this is the very resolution that was defeated in the other place yesterday, or the day before yesterday? What is the status of this resolution? It is not possible, as I understand it, to amend the resolution. The form of the resolution is prescribed by the statute and it has been defeated in the House of Commons. Is the government asking for leave to withdraw it for the Senate Order Paper?

Senator Comeau: Yes, this is the motion that was defeated in the House yesterday, which would make it such that if we move on it in this house, it is actually quite new. Having said that, it is an interesting motion to have on the books and we might wish to give it some thought as to whether we might want to come back to it for consideration in the future.

I suggest we leave the motion there and eventually we might have some discussions on it.

Senator Murray: Is there not a date, a deadline after which it does become obsolete? It is dead by tomorrow, is it not?

Senator Comeau: It is tomorrow, so we still have until tomorrow to deal with it. Let us deal with it tomorrow.

On motion of Senator Carstairs, debate adjourned.

• (1440)

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill S-219, to amend the Parliamentary Employment and Staff Relations Act.—(*Honourable Senator Comeau*)

Hon. Serge Joyal: Honourable senators, I have already spoken on this motion. It is under the name of Senator Comeau for the fourteenth day, and I wonder whether the honourable senator would agree to reset the clock.

This issue relates to a motion that appears later on the Order Paper, number 104 on page 10, under Senator Andreychuk. The two issues are linked and I will speak in support of the motion of

Senator Andreychuk later this afternoon. I wanted to ensure the bill is not dropped because time lapses.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I appreciate that. I should have had a star beside the fourteenth day. I discussed this matter with Senator Andreychuk. Given the importance of this bill, we do not wish to see it fall off the Order Paper.

Having said that, I know Senator Andreychuk wishes to speak on it later. I will adjourn it, therefore, in name of Senator Andreychuk and we will be able to deal with this important issue.

The Hon. the Speaker: To ensure that the chair has understood, we have had an address by Senator Comeau on this item, and it has been moved that the item now be adjourned in the name of Senator Andreychuk.

Given that Senator Andreychuk is in the chamber, it would be appropriate for the senator in the chamber to make the motion.

On motion of Senator Andreychuk, debate adjourned.

[Translation]

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Tardif, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have discussed this bill with my colleagues opposite. The adjournment of this bill is in Senator Tkachuk's name. Rule 37(3) of the *Rules of the Senate* provides that the second speaker shall be permitted 45 minutes. However, Senator Tkachuk is not ready to give his speech today. Given that Senator Spivak wants to give her speech today, we would not want to delay her right to do so. I would ask honourable senators for permission to postpone Senator Tkachuk's 45 minutes.

[English]

Hon. Claudette Tardif (Deputy Leader of the Opposition): We agree that if a senator wishes to speak today that they not be considered the second speaker, pursuant to rule 37(3) of the *Rules of the Senate*.

The Hon. the Speaker: Is it the agreement of the house that the second speaker is Senator Tkachuk? He reserves his 45 minutes, and I understand another honourable senator would like to speak now.

Hon. Senators: Agreed.

Hon. Mira Spivak: I want to thank the Deputy Leader of the Government and the Deputy Leader of the Opposition. I may not be back for a while so I would like to speak today.

Honourable senators, the ground has shifted under our feet. Except in certain benighted precincts — for example, the Fraser Institute — not many people are wasting their energy now trying to deny the science of global warming. Rather the arguments now, couched in language that sometimes beggars the imagination, is against the Kyoto Protocol.

Not only are the targets unrealistic, the argument goes, but to meet them would be catastrophic to the Canadian economy. The Kyoto treaty is described as a fantasy akin to believing in the Tooth Fairy — and it is political suicide and folly.

It has even been suggested that Kyoto is a socialist plot, despite the inconvenient truth that the leaders who brought Canada into the climate change convention have little credibility in socialist circles. I speak of Jean Charest and Brian Mulroney.

It is useful to note who the opponents of Kyoto are. First, some are industry leaders — in the oil industry, but not all leaders in the oil industry, by any means. Even Exxon has accepted the reality of climate change after spending millions of dollars for years to deny it.

Some leaders are members of Parliament, but one can hardly blame them. The turnaround has been fast. Then, the media, suddenly alerted to the issue, are relying on Coles Notes to understand the file.

There has been a well-orchestrated, well-funded campaign by Friends of Science, a coalition of anonymous donors and oil industry public relations professionals, through the Alberta-based Science Education Fund, to support the anti-Kyoto cause — not that there is anything wrong with that, as Seinfeld said, but we should keep those ties in mind. This is a democracy.

Until recently, the campaign succeeded in influencing public opinion and Canadian policy on climate change and the Kyoto Protocol. Had the campaign failed, Bill C-288 would not have been necessary. I do not think it was necessary anyway — or, as my colleague here may argue, it may not even be constitutional.

The Government of Canada had no option but to meet our Kyoto obligations, one way or another. Canada is legally bound by Kyoto and faces penalties for non-compliance. Canada also has a moral obligation, as do other industrialized nations, to address global climate change, and Kyoto is the only international instrument, at the moment, to deal with what is truly a global crisis.

When we pass this bill, the government will be required each year to lay out a plan for achieving the Kyoto commitment. The plan must set out emission limits and performance standards, it must describe market-based mechanisms adopted, et cetera.

If the government fails, the Kyoto Protocol will add 30 per cent to our shortfall and make it all the much harder to reach the next goal in the post-2012 period. This situation may not be fair but that is what it is.

The question is, What do we need to implement Kyoto or attempt to implement it? The first thing we need is leadership, there is no question — the kind of leadership Tony Blair has demonstrated on this file. Industry is asking for the Canadian

government to lead. A surprising number of CEOs and CFOs, in a recent survey by *The Globe and Mail*, did not view the clean air act as a replacement of the Kyoto accord. That is, it might be good but it is not a plan to combat climate change.

Business leaders appear to be at a tipping point, where they realize that the economic up-side is in getting on with this environmental program, not fighting it. Donald Lang, CEO of CCL Industrial, says customers are demanding it — customers such as Procter & Gamble and Unilever — because they do not want to be tarnished by suppliers but executives are waiting for governments to set targets, give them direction and give them what business needs — certainty.

The U.K. has already achieved a 15-per-cent reduction and expects to double its Kyoto commitment by 2010. In large part, that reduction is due to Tony Blair's leadership.

A draft government climate change plan based on the principle of reducing the intensity of greenhouse gas emissions will permit, according to the figures presented in that document, greenhouse gas emissions from all oil and gas production to rise by 46 per cent between 2000 and 2010. Emissions from oil sands producers will be 179 per cent higher in absolute numbers, although the emissions intensity reduction per unit will be 15 per cent. This is because of the forecast for increased production from the oil sands, a conservative estimate suggest some critics. Emissions from increased production could soar without limit as long as the emissions per unit of production are lowered.

• (1450)

Take, for example, Suncor Energy, an oil sands producer that has reduced emissions per barrel of oil by more than one third since 1990. Suncor Energy CEO Rick George made this admission in the company's 2006 report on climate change:

Despite the success we've had over the past 15 years in reducing the intensity of greenhouse gas emissions, the fact that we are growing as a company means our absolute emissions are increasing.

In fact, Canada's 27 per cent increase in emissions since 1990 is also a 43 per cent improvement in emissions intensity. We will end the decade with perhaps emissions of 40 per cent higher, according to Jeffrey Rubin, CIBC World Markets' Chief Economist. Yet at the same time, emissions per unit of GDP will have fallen by 20 per cent. The intensity strategy will not meet the Kyoto commitment.

To implement this bill, we need fairness. Emissions are rising most rapidly in heavy industry that accounts for almost one half of Canada's emissions. We need stringent caps for those sectors, in particular electricity generation and upstream oil and gas where emissions have increased by 35 per cent and 58 per cent respectively since 1990. However, this does not let the consumer off the hook. We could follow Australia's example and ban the use of all incandescent light bulbs in our homes and businesses. We could have more energy-efficient cars and do many other things because the consumer has to play a role in this scenario as well.

Representatives of the Pembina Institute appeared before a House of Commons committee last week and set out absolute emissions targets of 6 per cent below 1990 levels for each of these sectors and for the energy-consuming sectors. They said that these heavy industries could reach the Kyoto targets by reducing emissions on site or by buying credits from domestic or international projects that have lower-cost solutions. The cost would be about \$1 per barrel of oil. This would give us time to get to the technology because that is where the answer will be.

Economist Jeffrey Rubin, a new convert to the cap-and-trade logic, this week lauded the success it has had in the U.S. in reducing sulphur dioxide emissions. They have fallen 40 per cent below 1980 levels. In the last few weeks, we have seen figures banded about that suggest that meeting our Kyoto commitment will cost some \$25 billion to buy foreign credits. We are told that this bill will cause an economic collapse in Canada on the scale that Russia and Ukraine experienced.

It never hurts to be armed with the facts, and here are some to consider: In 2002, Marc Jaccard, co-author of *The Cost of Climate Policy*, estimated the direct costs to Canada of meeting the Kyoto target. Even at a cost range of \$45 to \$60 billion, it would have a relatively minor negative impact on family incomes, co-benefits that improve quality of life and allow for more sustainable communities, and limited lifestyle impacts.

As for the economy as a whole, Mr. Jaccard predicted a cumulative loss of GDP of 3 per cent by 2010. This would mean that an economy expected to grow by 30 per cent would instead grow by 27 per cent. I am not sure whether the cost of inaction might not make these figures totally out of line.

In addition to Canadian solutions, we would also need to purchase credits through the Clean Development Mechanism — a mechanism with *bona fides*, not costly hot air. The Canadian Manufacturers and Exporters lobby group has argued that the cost would be about \$20 billion. In truth, it could be about one half of that amount, according to those closer to the data — the International Institute for Sustainable Development and the International Emissions Trading Association.

Whether industry can respond in time is another concern. Consider these facts: Canada's pulp and paper industry has already reduced its greenhouse gas emissions by 43 percent since 1990. By 2000, the chemical producers had also achieved a 43 per cent reduction in emissions, and they anticipate a 56 per cent reduction by 2010. Alcan has reduced its emissions by 30 per cent since 1990, while increasing production by 50 per cent. Du Pont has decreased its emissions by 80 per cent, and in that time frame has earned \$3 billion more.

Amory Lovins, founder of the Rocky Mountain Institute and an energy conservation guru, recently commented on how the current political discussion is all about cost, burden and sacrifice. He explained that climate protection is not costly because energy efficiency is cheaper than fuel. It costs less to save fuel than to buy it. Years ago, Michael Porter of the Harvard Institute said the same thing.

Mr. Lovins counts as his clients the Pentagon, Coca-Cola and Wal-Mart. Consider Wal-Mart, in particular, whose sales of U.S. \$312 billion last year were in the order of one quarter of Canada's GDP.

Some two years ago, the Wal-Mart CEO, Lee Scott, announced a plan to reduce its greenhouse gas emissions by 20 per cent by 2012. Last April, a Wal-Mart vice-president was before the U.S. Congress urging legislators to impose mandatory caps on carbon emissions. Can it be that Wal-Mart has had economic information? The companies alongside Wal-Mart — Shell Oil, General Electric and Duke Energy — were also asking for those mandatory caps that could lead to emissions trading, similar to programs developed under Kyoto, in California and the U.S. Northeast.

General Electric is doubling its R&D budget for research into clean technologies from \$700 million to \$1.5 billion by 2010. This is not driven by altruism. CEO Jeff Immelt has listened to marketplace demands for these technologies and is responding to them; and he will make money that way.

A few years ago, General Electric put 500 energy conservation projects in place, reduced CO2 emissions by one quarter of a million tons and saved \$14 million per year in energy costs — scarcely an economic disaster.

Darryl King, head of Direct Energy, one of North America's biggest gas and electricity marketing firm, has called for an end to subsidies to electricity, oil and gas because, he says, it is the wrong economic signal for conservation. He feels that the money could be better spent subsidizing high-energy furnaces and so forth.

I acknowledge that some credible analysts have described this bill as "Mission Impossible." Without it, however, we will have business as usual and ever-increasing emissions. Canada needs regulations that allow our corporations to plan and to act. We need to do some tax shifting — away from incomes and property and towards waste, pollution and greenhouse gas emissions.

Reducing greenhouse gases can have a happy side effect. Through technologies to reduce greenhouse gases, money can be saved on energy bills and wasted reserve, according to Eric Lloyd, head of Petroleum Technology Alliance, whose members include most of the big names in the oil patch.

There is a saying in Israel —

The Hon. the Speaker: I am afraid the honourable senator's time has expired.

The honourable senator asks for an extension of five minutes. Is it agreed?

Hon. Senators: Agreed.

• (1500)

Senator Spivak: In Israel there is a saying: *Ain brera*, which means "no option." The Israelis have developed this attitude in order to survive. They have made the deserts bloom where nothing grew before. In Canada, we do not have an option. We must grasp the indomitable and unbelievable opportunities that confront us and act.

On motion of Senator Tkachuk, debate adjourned.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2006 RESOLUTION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

RESOLUTION ON COMBATING ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;
4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;
5. Urges its participating States to establish a legal framework for targeted measures to combat the

dissemination of racist and anti-Semitic material via the Internet;

6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;
9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;
16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands.

—(Honourable Senator Segal)

Hon. Hugh Segal: Honourable senators, I rise today on the motion put forward by Senator Grafstein regarding the Resolution on Combating Anti-Semitism and other forms of intolerance adopted by the OSCE Parliamentary Association.

Let me quote from the Oxford English dictionary:

Semite: [noun] A member of a group of Semitic-speaking peoples of the Near East and northern Africa, including the Arabs, Arameans, Babylonians, Carthaginians, Ethiopians, Hebrews and Phoenicians.

The official definition of Semite reminds us all that the term itself refers to a vast group of Semitic-speaking peoples that happens to include, amongst others, both Arabs and Jews. This resolution emphasizes that fact, and although anti-Semitism is more often than not perceived as hatred and bigotry toward Jews per se, we must not lose sight of the broader definition. The term also refers, of course, to Arabs. In our current global social climate, we must not allow one bigotry to be replaced by another. Combating anti-Semitism must include combating hatred and bigotry toward Arabs as well.

On November 22, the Nobel Laureate and Holocaust survivor Elie Wiesel spoke at Queen's University to more than 1200 people. The most touching and resonating moment of his speech was his reminder to everyone in the hall that "to remain silent and indifferent is the greatest sin of all." He went on to say, "a person who is indifferent to the suffering of others is complicit in the crime."

The resolution before us, adopted unanimously by the OSCE Parliamentary Assembly, calls to action all of its member states to speak up and shake off indifference by studying, legislating against, reporting on and, most important, acting on combating intolerance.

Personally, to my knowledge, I have never been the target of anti-Semitism. However, is that not precisely the point? Bigotry, racism and discrimination are rarely overt, or at least they never were in the past. Of course, they existed, but most people were far too correct to give audible voice to their biases or bigotries. If my religious affiliation was ever a problem for anyone else, I doubt that he or she would have been made those feelings public.

[Translation]

Today, however, in this post-9/11 era, it has become acceptable in some quarters to lump together one billion of our fellow human beings. Muslims, or in fact all Arabs no matter what their religion, are labelled in the same way. And this labelling is at the very heart of discrimination — the espousal of preconceived ideas about all individuals of the same race, religion or culture. The words and gestures are no longer subtle. Attributing the opinions or actions of a few mad extremists to all members of the same religion or of the same culture is the very basis for racism and bigotry.

[English]

I want to take the time to quote from a speech given on September 11, 2006, at the Canadian Club in Montreal by Tony Comper, Chief Executive Officer of the Bank of Montreal, who, along with his wife, founded the organization, Fighting Anti-Semitism Together, FAST.

We believe, the majority of Canadians do — that the time has long passed for polite silence in the face of anti-Semitism and other forms of hatred, bigotry and racism. What we hope to help create, both with FAST itself and with our *Choose Your Voice* educational program, is a nation of non-bystanders, Canadians of all heritages who simply no longer permit the anti-Semites and their like-minded kin to spread their poison unscathed. We hope to embolden and encourage those with still-open hearts and minds to stand up and speak out against discrimination, wherever and however it rears its ugly head, and marginalize the anti-Semites and bullies and bigots and take away their power to intimidate.

The Resolution on Combating Anti-Semitism and other forms of intolerance, adopted by the OSCE, urges, requests and resolves that all participating states, including Canada, act on the issue. The notion that many countries, many leaders and many cultures unite to contest this insidious problem is a good thing.

[Translation]

The planet has shrunk. Individual countries shaped by their culture and their heritage no longer operate independently. This community, which is now a global one, as well as the ease of travel and mobility have made immigration, integration and assimilation the new norm. Tolerance is now required of everyone and is the fruit of education and occasionally legislation. Canada is not indifferent. Diefenbaker's Canadian Bill of Rights set out, for the first time, that no Canadian was to be discriminated against on the basis of gender, religion, race, colour or language. It was the precursor to the Canadian Charter of Rights and Freedoms.

[English]

In this day and age, knowing the tragic history resulting from one form of anti-Semitism in the early 20th century, and remembering the words of Elie Wiesel, "because of indifference, one dies before one dies," Canada's history of tolerance should be publicly celebrated in a written report, as requested by the OSCE Parliamentary Assembly.

I support the motion that this resolution be referred to the Standing Senate Committee on Human Rights for consideration. In keeping with Canada's agreement in Brussels in July of last year, we should prepare a report for presentation at the 2007 session of the OSCE Parliamentary Association.

Let it be known to the association that all of us in this chamber agree with the Right Honourable John Diefenbaker when he said, July 1, 1960:

I am a Canadian, free to speak without fear, free to worship in my own way, free to stand for what I think right, free to oppose what I believe wrong, or free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.

Honourable senators, the British and French parliaments have acted and done remarkable work on this resolution. I commend to all honourable senators on both sides the proposition that this body, as an integral part of the Parliament of Canada, engage and discharge this important duty to our colleague nations in the OSCE.

• (1510)

Hon. Jeremiah S. Grafstein: Question!

Hon. Anne C. Cools: I would like to speak on this debate.

Senator Grafstein: This resolution has been on the Order Paper for five years. All senators have had an opportunity to consider it. I move the adoption of this resolution.

The Hon. the Speaker: The motion before the house is clear. It was moved by the Honourable Senator Fraser, for the Honourable Senator Grafstein, seconded by the Honourable Senator Cook. It is this motion that is now before the house for debate. We have had the intervention of Senator Segal. Is there further debate? I recognize Senator Cools.

Senator Cools: I am very interested, honourable senators, in speaking in this debate. I have been waiting for many months to listen to Senator Segal who, as we know, is one of the towering intellects in this place.

Hon. Senators: Hear, hear!

Senator Cools: Senator Segal can attest to the fact that I was here a few minutes ago. I left and I said that I was returning to hear his speech.

On motion of Senator Cools, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO STUDY APPLICATION OF THE CHARTER OF RIGHTS AND FREEDOMS AS IT APPLIES TO THE SENATE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the *Charter of Rights and Freedoms* as it applies to the Senate of Canada.—(Honourable Senator Andreychuk)

Hon. A. Raynell Andreychuk: Honourable senators, I have moved this motion, which was seconded by the Honourable Senator Joyal, P.C., as I believe it is time that the Senate approach the issue of the application of the *Charter of Rights and Freedoms* to ensure a systematic process for the application of the *Charter* and other consequent rights legislation in this chamber.

It has been 25 years since the *Charter of Rights and Freedoms* came into effect and we would be remiss if we did not assess the practices and procedures in the Senate with a view to maximizing the *Charter of Rights and Freedoms* to all those who have dealings with the Senate and to all employees.

While I commend both the Senate and individual senators for their knowledge of the *Charter* and the work they have done, I think it is incumbent upon us to look at the various practices,

procedures and policies that we have in place in order to assure ourselves that we are fully aware of our processes for the application of the *Charter of Rights and Freedoms* and that they are, in fact, in line with today's attitudes and court decisions.

In fact, Parliament is not above the law but bound by it. Even when parliamentary privilege applies, it is incumbent on us in this chamber to put a process in place for the comprehensive application of the *Charter*. Only if we do this will we be able to assure the citizens of Canada of our complete support of the *Charter of Rights and Freedoms* and that we have taken all the necessary steps to comply with it.

We have the recent *Vaid* decision of the Supreme Court of Canada of May 20, 2005, outlining the issues of parliamentary privilege in Canada and its consequent effect on the application of the *Charter of Rights and Freedoms* as it applies to the House of Commons. Honourable senators will remember that that case involved a chauffeur to the Speaker of the House of Commons who was informed that because of reorganization, his former position would be surplus. The chauffeur instead complained to the Canadian Human Rights Commission, invoking the Canadian Human Rights Act. In summary, the Speaker and the House of Commons invoked parliamentary privilege in a broad privilege of "management of employees," covering with immunity all dealings with all employees, without exception, who worked for the Legislative Branch of the Government.

While the judgment is extensive and no doubt has application to the Senate, a few points need to be noted. The Supreme Court stated that:

Legislative bodies created by the Constitution Act, 1867 do not constitute enclaves shielded from the ordinary law of the land.

In the majority view, an allegation of discrimination contrary to the *Charter* or the Canadian Human Rights Act was not immunized by parliamentary privilege because such discriminatory conduct, if proven, would actually diminish the integrity and dignity of the House, without improving its ability to fulfill constitutional mandate.

They further noted that:

Parliamentary privilege in the Canadian context is the sum of the privileges, immunities and powers enjoyed by the Senate, the House of Commons and provincial legislative assemblies, and by each member individually, without which they could not discharge their functions.

In another part of their judgment they stated:

However, if the existence of the scope of the privilege has not been authoritatively established, the court will be required to test the claim against the doctrine of necessity — the foundation of all parliamentary privilege. In such a case, in order to sustain a claim of privilege, the assembly or member seeking this immunity must show that the sphere of activity for which privilege is claimed is so closely and directly connected with the fulfillment by the assembly or its members of their functions as a legislative and deliberative body, including the assembly's work in holding the government to account, that outside interference

would undermine the level of autonomy required to enable the assembly and its members to do their legislative work with dignity and efficiency. Once a claim to privilege is made out, the court will not inquire into the merits of its exercise in any particular instance.

The court held that the wide-ranging privilege asserted by the appellants has not been authoritatively established in the courts of Canada or the United Kingdom and is not supported as a matter of principle by the necessity test. The court commented on the British Joint Committee report that stated:

The dividing line between privileged and non-privileged activities of each House is not easy to define. Perhaps the nearest approach to a definition is that the areas in which the court ought not to intervene extend beyond proceedings in parliament, but the privileged areas must be so closely and directly connected with proceedings in parliament that intervention by the court would be inconsistent with parliament's sovereignty as a legislative and deliberative assembly.

The Supreme Court supported this position when they stated:

The proper focus, in my view, is not the grounds on which a particular privilege is exercised, but the prior question of the existence and scope of the privilege asserted by the parliament in the first place.

They further underscored that:

It is a wise principle that the courts and Parliament strives to respect each other's role in the conduct of public affairs.

To do this in the Senate, I believe, requires that we fully assess the outcome of the *Vaid* case as it applies to the Senate of Canada and, second, that we ensure the maximization of rights while maintaining the proper balance with parliamentary privilege. To do so in a systematic way could be an adequate defence to any incursions in the future into Senate activities and would give a measure of comfort and understanding to those who come in contact with the Senate, either by way of dealings or by employment, that we respect and enforce the Charter of Rights and Freedoms.

I, personally, did not choose to intervene in the *Vaid* case as I believed that to do so would be entering into House of Commons affairs, and I wanted to ensure that any differences would be maintained and that no judgment would blanket all of us who work in the legislative field in Canada. My esteemed colleague and seconder of this motion, the Honourable Senator Joyal, chose to intervene, and I believe he has already explained his position and will continue to do so in this honourable chamber.

• (15:20)

However, I believe that both of us agree that the Rules Committee should be seized with looking into the various aspects of this situation and the *Vaid* case, and I believe it would be timely for the Rules Committee to complete its work to ensure that we are charter compliant. To not do so could leave us open to valid criticism that we do not accept full adherence to the Charter of Rights and Freedoms and other legislation, yet we demand it of others. For consistency, and pursuant to our commitment to

the Charter of Rights and Freedoms, it is important that we look at the *Vaid* case and the Charter and how we should apply them.

It has been noted by Senator Joyal that there are varying categories of employees. Some work for senators; some are within the bounds of parliamentary privilege and others are not. Senator Joyal has introduced Bill S-219, which I think is a companion and complement to this assessment. We should look seriously at that piece of legislation in order to incorporate any shortcomings we may have in our applications and adherence to the Charter of Rights and Freedoms.

Hon. Serge Joyal: Honourable senators, Senator Andreychuk has defined the parameters of the question much better than I could myself. I commend honourable senators to the motion that precedes Senator Andreychuk's motion on the Order Paper today, Motion No. 21, wherein Senator Segal calls the attention of the Senate to the impact of the Charter 24 years after its implementation, and the impact on the Charter on the prerogative of the Parliament of Canada. The two motions meet at some point. As Senator Andreychuk has stated, the point that she raises is a complement to a bill that I introduced earlier in the session dealing with one aspect of the issues. Senator Andreychuk's motion deals with the other aspect of the issues.

Honourable senators, let me briefly remind you of the situation in which employees of Parliament find themselves. When I say "employees of Parliament," I do not mean only employees of the Senate. I also means employees of the other place and employees who serve both places, such as the Library of Parliament, an institution that serves both houses.

How does the Charter apply to employees of the Parliament of Canada? According to the decision of the Supreme Court, on May 20, 2005, almost two years ago, the Supreme Court decided, first, that the Canadian Human Rights Act applied to everybody, including all the employees of Parliament. The problem stemmed from the fact that when there is a complaint of discrimination, the system that deals with the complaint is at least three-fold. An employee of Parliament — whether an employee of the Senate, the other place, or the library — must first define if he or she is covered by the Parliamentary Employment Staff Relations Act. If that person is a member of one of the units covered by the Parliamentary Employment Staff Relations Act, that person must go through the arbitration board established by the Labour Relation Act of Parliament.

If that person is not a member of one of those units, then they must ask themselves whether or not they occupy a privileged position. If the person does not occupy a privileged position, then they must go to the human rights tribunal. However, if they occupy a privileged position, then they have no recourse except to directly address one of the two houses.

Who are those persons who occupy privileged positions? That is the question that the Supreme Court had to resolve in the *Vaid* case. The court mused about those persons and concluded that the table officers are privileged. Why? Because they are directly connected to the legislative, deliberative functions of this place. The Black Rod is also privileged. Those officers were mentioned in the court's decision. If any of those people have a claim of discrimination, they must address themselves to this place — to the house.

Suppose one officer at the table — and I am not looking at any one of them presently — has a complaint based on discrimination, for instance on race. Where would that person find recourse? Not in the courts, because the precincts of this house are protected from court intervention. That person would have to address him- or herself to us. The point raised by Senator Andreychuk deals with the condition of those persons and the persons not covered by the Public Employment Staff Relations Act.

Honourable senators, it seems complex, but it is time — now two years after the decision of the court — that we try to put this house in order. There is no better committee than the Standing Committee on Rules, Procedures, and the Rights of Parliament to address this issue and to report to this place. Most likely the Rules Committee will want to consider the opportunity to propose amendments to the Rules of the Senate in order to establish a procedure. This procedure would govern any case of alleged discrimination involving an employee of this place, or an employee who is not covered by the Parliamentary Employee Staff Relations Act.

Honourable senators, I invite you to support this motion, because I think it is an issue that all of us have on our minds. As Senator Andreychuk stated, if there is an institution that should be above reproach in terms of implementing the substance and spirit of the Charter of Rights and Freedoms, it is this house of Parliament. Many senators have stated publicly, on many occasions, that we are a house to protect minorities. It should at least appear that our own employees are covered and have a system of redress, if they feel they should seek such redress, and that their concerns are arbitrated impartially and in a way that satisfies the nature of our constitutional obligations. I invite all honourable senators to support this motion.

[Translation]

Hon. Pierre Claude Nolin: Would Senator Joyal agree to answer a question or two?

Senator Joyal: Honourable senators, within the time I have remaining.

Senator Nolin: Senator Joyal, do the gentleman usher and the clerk of this chamber occupy privileged positions even though they are here by order of the Governor in Council?

Senator Joyal: Yes, in *Vaid*, the Supreme Court referred directly to these employees because their work is so closely connected with the legislative and deliberative functions of this house that it could not function if they were not here. Even though their status is confirmed by order of the Governor in Council, this does not change the nature of the responsibility and the essential role they play in the Senate's ability to assume its deliberative functions.

In other words, the Senate would not function without these employees. That is the criterion used by the Supreme Court to determine that the employees that you just identified are covered by the parliamentary privilege, just like you and me, as well as all the other honourable senators and, of course, His Honour, the Speaker. That is the reason why the court defined very specific parameters to determine which employees should benefit from the parliamentary privilege.

[Senator Joyal]

In the case of Mr. Vaid, who was the chauffeur for the Speaker in the other place, the House of Commons argued that he was covered by the parliamentary privilege. However, the court ruled that this individual was, in fact, fulfilling an important but not essential task to the deliberative and legislative function of the House, even though the chauffeur is in regular contact with the honourable Speaker in the other place, or in this place.

• (1530)

[English]

Hon. Anne C. Cools: Does the Honourable Senator Joyal intend to close the debate because I would like to speak in this debate if possible. Could I move the adjournment?

Senator Joyal: Honourable senators, I have spoken in support of that motion and refer that motion to the Standing Senate Committee on Rules, Procedures and Rights of Parliament to study that motion and come back with the appropriate recommendations.

The Hon. the Speaker: Are the honourable senators ready for the question?

It was moved by the Honourable Senator Andreychuk, seconded by the Honourable Senator Tkachuk that the Senate refer to the Standing Committee on Rules, Procedures and Rights of Parliament, the issue of developing a systematic process for the application of the Canadian Charter of Rights and Freedoms as it applies to the Senate of Canada.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STUDY ON CURRENT STATE OF MEDIA INDUSTRIES

GOVERNMENT RESPONSE TO TRANSPORT AND COMMUNICATIONS COMMITTEE REPORT— INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fraser calling the attention of the Senate to the Government response to the second report of the Standing Senate Committee on Transport and Communications entitled: *Final Report on the Canadian News Media*.
—(Honourable Senator Banks)

Hon. Jim Munson: It has been my privilege to sit on the Senate Standing Committee on Transport and Communications and I am proud of the work we undertook to look at the Canadian news media. The final report this committee produced was comprehensive and included 40 recommendations. It was a serious piece of work. In it, the Senate committee outlined, among other things, worrisome developments in media concentration that are contrary to the public interest.

This concentration effectively silences the diversity of voices available to Canadians through the media. Recommendations included a call for a public review mechanism on issues of cross-ownership and concentration of ownership.

Of course we had other concerns. We also recommended an increased role for the CRTC to monitor and review cross-media mergers and ensure that a diversity of news and information programming is available through community television and radio.

In addition, we looked at the Competition Act, and asked the obvious question: If bank mergers can be reviewed for their impact on the public interest why are media mergers not subject to the same consideration and scrutiny?

How disappointing it was to read the response of the Government of Canada to this report. In a nutshell, the Government's response to our report is this: Do not worry. Be happy.

The government's response does not acknowledge market trends that limit the source of information to a few large organizations that are only becoming more powerful, thanks to a regulatory environment that allows it.

I do not have to tell you that Canada is a huge country with many different regions and a diverse population. To allow large communications giants to expand their control over the message is to fail in our duty to protect the public interest. In two of our largest cities, Montreal and Vancouver, news media are intensely concentrated. Canwest Global not only controls television and newspapers, but is now buying up community newspapers. In my home province of New Brunswick, the Irving group of companies owns nearly all the newspapers.

Huge deals take place to merge media giants and make them even bigger, and no one, no government body, says hang on, let us look at this.

The Senate report heard from many witnesses, and it is clear that when it comes to media, and a vigorous and free press, bigger is not necessarily better.

[Translation]

The government missed the boat in its response to our report. While it recognizes that Canadians get their news from a variety of media sources such as blogs, podcasting, the Internet, radio and television, it does not recognize diversity in the delivery of the message, and it does not guarantee diversity in the message. The reality is that blogs, podcasting, the Internet, radio programs and other sources of information report the same news, perhaps with some differences, but it is nevertheless the same news.

The government's response seems to confuse the diversity of platforms with the diversity of sources and voices.

[English]

Our Senate committee believes that the interests of our country and Canadians are best served by a strong and vibrant news media. With our 40 recommendations, we make it clear that the status quo is not okay.

The status quo does not serve well the interests of Canadians today, and certainly not into the future.

Our Senate committee also looked at the role of the Canadian Broadcasting Corporation to see how its governance could be improved. Once again, it was no go.

This experience has been frustrating for our committee and I am sure, for Senator Tkachuk who sat with me in the committee and went across the country as we bonded in a non-partisan way and came to these conclusions. We looked at every issue. I am sure that Senator Tkachuk must be sitting here, concerned and worried that there has not much of a response from his own government on this issue. I look forward to Senator Tkachuk speaking to this issue one day, because I am sure we all agree with the 40 recommendations, and he has read Minister Oda's response to it.

I find this situation frustrating on two levels. First, as a terminal news junky with childhood memories of listening to the news on the radio at a young age, and as a former reporter, I have a passion for the news and I have a passion for the profession of journalism. Worrisome trends in this country are affecting the practice of journalism. Independent thought, different perspectives, the foundation of a strong and healthy democracy, depend on many media sources, not only the biggest and most profitable ones. In Canada, we need to take action to ensure we hear many voices and see many points of view.

The second aspect of this issue that concerns me is the Government of Canada's response to the comprehensive work undertaken by the Standing Senate Committee on Transport and Communications. The Senate has a role to play in our democracy. We have a job to do and we do it well. For the Government to dismiss the concerns and recommendations of a standing Senate committee, is worrisome. The government's response is to say the government believes that the balance contained in the current legislative, regulatory and policy framework, supported by various government programs, has served Canadians well.

This Senate committee studied some serious issues, raised serious concerns and made some serious recommendations. I am troubled that our work was dismissed with such a trivial response.

Hon. Senators: Hear, hear!

Hon. Francis William Mahovich: I was wondering about the many Canadians who have owned media and have gone to England and America, and purchased other newspapers. Do other countries have rules or regulations governing their newspapers?

Senator Munson: I thank the honourable senator for the question.

The United States of America has rules and regulations on what they can own and what they cannot own in each individual marketplace.

There are regulations as to whether they can own a newspaper or their own radio or television so there are rules around the world, in the United States and U.K. and in many other countries. I think this country could follow or learn lessons from some of those examples.

• (1540)

Senator Mahovlich: Was it not Conrad Black who owned with Hollinger, I believe, the *Chicago Tribune*, and he was allowed to purchase a large newspaper company. I am sure that every country has an open invitation for anyone who wants to buy a certain newspaper.

Was it not the Thomson family who went to Scotland and bought a newspaper in Edinburgh?

Senator Munson: They have, and I have no complaint against families or companies buying newspapers. Our concern is with cross-media ownership, and moving into a marketplace where there are no checks and balances.

We do have foreign regulation rules in this country. You can only buy so much of a newspaper in this country if you are a foreign owner.

In our report, in dealing with this issue of newspapers, we were seeking to have a threshold, perhaps at 33 per cent, of owning radio, television, and newspapers in a city such as Vancouver. At some point there has to be a mechanism that kicks into place under the Competition Act where, in a very public forum, a transparent forum, we say: Is this good for our democracy? Are we getting the diverse views? The little guy, so to speak, is being pushed to the sidelines. Our worry was that one voice in one market is not good in the very vibrant democracy in which we live.

On motion of Senator Banks, debate adjourned.

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled "*Moving Forward on Early Learning and Child Care*", as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(*Honourable Senator Cordy*)

Hon. Jane Cordy: Honourable senators, I am very pleased to continue the debate on the inquiry of Senator Trenholme Counsell on early learning and child care, and more specifically on the agreements in principle signed by the Government of Canada and provincial governments between April 29, 2005 and November 25, 2005. I congratulate her on her initiative and the hard work that she has done.

The process to reach the child care agreements of 2005 involved every province and every territory. It engaged hundreds of parents and stakeholders to whom Minister Dryden listened. The

consensus reached during these consultations was that we needed a child care system in Canada.

I believe that early learning and child care should be front and centre of any political agenda. In fact, a recent Environics poll showed that 76 per cent of Canadian voters view the lack of affordable child care as a serious or very serious problem, and that 82 per cent of Canadian voters believe that governments should play an important role in the area of child care. A majority of Canadians, 76 per cent, agree with the national child care plan initiated by the previous Liberal government under the direction of Minister Ken Dryden. This should not be a surprise to anyone.

The early learning and child care plan was a result of consultation between the provinces and territories and the federal government. It is not often that negotiations are so successful, but across the country there was a realization that something had to be done. As a former grade primary teacher, I know that the early years of life are critically important.

To quote the early learning and child care agreement between the government of Nova Scotia and of Canada:

Research demonstrates that high quality learning and child care play an important role in promoting social, emotional and cognitive development of young children. Promotion of learning and development in early childhood supports the participation of parents in employment and education and supports parents in their primary responsibility for the care and nurturing of their children by improving early learning and child care for families with young children. . . . Nova Scotia's vision is to ensure all Nova Scotian children enjoy a good start in life and be nurtured and supported by caring families and communities.

Dr. John Hamm, who was premier at the time of the signing of the agreement in principle, stated:

Our future belongs to our children and this agreement in principle will help us better support them in years to come.

However, we now have a new premier in Nova Scotia, Rodney MacDonald, and what does he say about child care? He is on record as calling on the new — well, not so new — Conservative government to honour the five-year deal made with Minister Dryden and he would also like the \$1,200 before tax allowance which is sent out to the parents of children under six. He refers to it as the blended approach and as a premier, of course, he would want both. He recognizes the need for more child care spaces in Nova Scotia. I do not always agree with Premier MacDonald, but in this case I do.

In Nova Scotia, we need more high quality child care spaces. The Liberal program signed by Premier Hamm and Prime Minister Martin would have created 7,167 child care spaces by the end of the five-year deal. That investment in our young children would have allowed Nova Scotia to build on its strengths and to provide more developmental programs and more early learning and child care opportunities for children under six.

Honourable senators, the majority of Canadian families have both parents in the work place. This is different from when most of us were growing up, but it is today's reality. Child care is a

necessity for parents who are to work, to train, or to re-educate. Child care is also a necessity for those families struggling to escape poverty and welfare by finding and keeping jobs.

The Conservative government's child care allowance is the focus of this government's child care policy. This child care allowance of \$100 a month before taxes is not a child care program. It is a family allowance check or a baby bonus cheque, a policy repealed by the government of Brian Mulroney. It does not create child care spaces. You do not find quality child care in the mail box. The Conservatives say that the \$100 a month provides choices in child care. Honourable senators, choices are pretty limited for \$3.50 a day, before taxes.

In his reply to the Speech from the Throne, Senator John Bryden gave us an excellent analysis of the true value of the \$1,200 child care allowance. He went into great detail of how the payments would trigger reductions in income-tested benefits and increases in taxes. Most Canadian families will end up with considerably less than \$1,200.

When Canadians fill out their tax returns this spring, they will discover that they must claim the \$1,200. On top of this, Prime Minister Harper cancelled the young child's supplement last year, which amounts to \$400 million taken away from families. Honourable senators, I would agree with Senator Bryden, who stated that this was an unfair policy because poor and modest income families will receive smaller benefits than middle and upper income families. To quote Senator Bryden: This is wrong. This is bad public policy.

The Conservative government's plan is a tax incentive for businesses and community groups to supposedly create 125,000 new child care spaces. This plan amounts to a one-time credit of \$10,000 to create each space, but 85 per cent of the costs of child care spaces are operational costs. The Conservative plan offers nothing to keep that space open. It also offers nothing to ensure the quality of the space. This tax incentive approach was tried previously by Premier Mike Harris in Ontario. Honourable senators, this plan was an absolute failure: not a single new space was created. Yes, that is correct, not a single new space.

• (1550)

Response for the Conservative government's plan from the business community has not been enthusiastic, to say the least. Catherine Swift, the head of the Canadian Federation of Independent Business, stated:

It's just not practical, 75 per cent of businesses in this country have fewer than five employees.

Several provincial ministers have dismissed tax incentives as ineffective. In fact, a briefing book prepared for former Minister Finlay said that tax incentives have had limited success in the past and had, indeed, an extremely low take-up rate.

The plan is also open to community and non-profit groups, although how they will qualify for tax credits when they pay no tax is unclear. Child care spaces in the workplace may certainly be part of an overall plan, but as a substitute for a national, well-planned, child care initiative, I think not.

On September 5, 2006, the previous Minister of Human Resources and Social Development, Minister Diane Finlay, announced the creation of a ministerial advisory committee to

advise her on the design of the child care spaces initiative. The committee, chaired by Dr. Gordon Chong of Toronto, was made up of nine members who were to report to the minister last fall. My understanding is that this report is now in the hands of the current minister, Monty Solberg. The media release by the minister in September states that the report will be available to the general public by HRDSC. I am hopeful that this will happen shortly so that we may examine in more detail the design of the child care spaces initiative put forward by this Conservative government.

Honourable senators, the Conservative government and Prime Minister Stephen Harper have received a failing grade by child care advocates. The national early learning and child care program was scrapped. It was replaced by a \$100 a month, before-tax baby bonus and a child care space initiative, which has, to date, created no new child care spaces. Child care is a serious issue for thousands of families in Canada and it should be a serious issue for this government.

Once again, I would like to thank Senator Trenholme Counsell for initiating this inquiry, and to the other senators who have spoken on a subject that is so important to Canadian families.

Hon. Elizabeth Hubley: I am wondering whether Senator Cordy would take a question.

First, I would like to commend her on her thorough report on the child care spaces that are required. Governments have many areas where they can make funding available to address many of our social challenges today. You mentioned literacy and poverty. I would also like to bring in high school dropouts and the challenges that are facing single parent families.

How important is it for governments to take this issue very seriously, as an intervention that will be well worth their while down the road in addressing some of the concerns that she expressed today? Perhaps she might have some examples of child care spaces that have done exactly that.

Senator Cordy: Thank you for the question. I think it is very important for governments to step in and take responsibility. As I said earlier, being a primary grade teacher for many years, I know the early years of life are so important. In fact, there is a book, *All I Really Need to Know I Learned in Kindergarten*.

For about 10 years, I taught in a community just outside of Dartmouth, which is where I live. The community was East Preston, which was a Black community. There was an East Preston daycare centre that was supported by the provincial and federal governments. However, it was more than a daycare centre. It was really the centre for the community. I can remember teaching in the school in that community and meeting, on many occasions, with the people who ran the daycare centre and talking to them about what they did and how they better prepared the children to start school. What it really was, more than a daycare centre, was a head start program. Even the children whose parents were stay-at-home parents were picked up by bus in the community and taken to the daycare centre.

Everyone in the community knew about the centre. It was open to everyone to walk in and see what was going on. It was a focal point of the community and it was very successful. In fact, Joyce Ross, who started the daycare centre, has received much

recognition by different levels of government for the work that she did in initiating this program.

That is just one major example. That is just a daycare centre that goes above and beyond what we think of as a stereotypical child care centre.

On motion of Senator Tardif for Senator Mercer, debate adjourned.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joyce Fairbairn, pursuant to notice of February 27, 2007, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit

between Monday, March 5, 2007 and Friday, March 9, 2007, inclusive, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Thursday, March 1, 2007, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, March 1, 2007

THE HONOURABLE ROSE-MARIE LOSIER-COOL
SPEAKER *PRO TEMPORE*

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry,
and Senators serving on Standing, Special and Joint Committees.

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THE SENATE

Thursday, March 1, 2007

The Senate met at 1:30 p.m., the Hon. the Speaker *pro tempore* in the chair.

Prayers.

SENATORS' STATEMENTS

KYOTO PROTOCOL

Hon. Gerry St. Germain: Honourable senators, I will speak very plainly about an issue that has become a bit of a lightning rod for those who wish to make political hay on the back of the economic well-being and the health of all Canadians. I am speaking of the issue of global warming and, specifically, the politicization of the Kyoto agreement that Canada signed.

In 2002, when Kyoto was ratified by Canada, I spoke in this place about the potential direct effects Kyoto would have on the British Columbia economy. My position was fully supported at the time by the provincial government.

Last Thursday, Eddie Goldenberg said to the Canadian Club of London, Ontario, and I will borrow from a couple of quotes of the news article by Joan Bryden on that date:

The previous Liberal government ratified the Kyoto Protocol knowing Canada wasn't ready to take the tough measures needed to address climate change and would likely miss the deadlines for reducing emissions . . .

The quotation continues:

Goldenberg said Canadians are now ready for action that would have been "unacceptable" a few years ago, warning that it will entail "big costs in dollars for business, the consumer and for the taxpayer."

Honourable senators, are Canadians really ready today to absorb the effects of meeting the targets set in 1998, targets that were set before Canada had any idea as to how meeting these quotas would affect individual Canadians and taxpayers? If greenhouse gas, specifically carbon dioxide, is an issue — and I am not a professional who could debate that — and if man is truly exacerbating the creation of carbon dioxide, then let us acknowledge that it is not just a Canadian issue.

Canada and all other countries must collectively provide the leadership to tackle the problem. All mankind must work together, yes — but at what cost and to what degree on the global stage? Are we as Canadians prepared to reduce or even halt the amount of coal, oil and natural gas extraction? Are we prepared to demonstrate our will to the rest of the world by boycotting or even by not buying various imported goods from those countries that purchase our natural resources, which are used to manufacture these products?

Honourable senators, we cannot ask terrorists to stop shooting people if we continue to sell them the bullets.

In the same breath, if global warming is the ominous threat that people say it is, perhaps we should be prepared to make the ultimate sacrifice of not selling and buying goods that are responsible for causing global warming.

It is time for national debate on this weighty issue, a debate that elevates the realities facing ordinary Canadians in the world above knee-jerk headline-making.

Together, let Canadians resolve to tackle the very future of the planet, not in isolation as a trivial response to a trendy issue, but as leaders convincing a world that long-term, realistic solutions are required.

THE LATE MAVIS GORES

Hon. Sandra Lovelace Nicholas: Honourable senators, next week we celebrate International Women's Day. In light of that, I would like to pay tribute to all women, in particular Mavis Gores, an Aboriginal woman who, along with several other women, first brought to the attention of Canada the unfair treatment of First Nations women in our communities caused by the lack of concern from the Canadian government.

Last week I attended Mavis Gores' funeral. It was a very sad occasion because Mavis was a close friend and colleague.

Mavis played an important role in lobbying with the Native Women's Association, the Status of Women's organizations across Canada and other members of Parliament who attended the first ministers' conference to push for equality for women in our communities.

Mavis was a strong presence in providing the much-needed support for younger, inexperienced women. In her contribution to the spoken histories, "Enough is Enough," she provides a firsthand account of what living was like on Tobique First Nation. Her story, along with those of other women, gave a detailed account of the effects that discriminatory section 12(1)(b) of the Indian Act had on First Nations women in general.

• (1340)

Honourable senators, the discriminatory section of the Indian Act publicly disgraced and shamed the Canadian government because of their treatment of First Nations women who were denied basic needs such as adequate housing, access to jobs and education. Because of women like Mavis, who decided that enough was enough and worked tirelessly for 10 years to help improve the living situations for her First Nations sisters, this unfair treatment was brought to the attention of Canada. This intense and diligent pressure for change, jump-started by women like Mavis, eventually led to a broader scope of concern that needed to be addressed: the status Indian and the Indian Act, of which she was very much a part.

Mavis Gores was my translator for one of the presentations that I made to the First Ministers' Conference. I am proud to say that this was the first time ever, honourable senators, that the Malisee language was heard all across Canada. Mavis stood up and proudly translated my entire presentation.

Honourable senators, if it had not been for the strength of First Nations women in our communities, and women's groups across Canada, we would not have been able to accomplish what was once considered impossible: The changing of federal legislation by women who thought they did not have a voice. Thank you, Mavis.

(The honourable senator spoke in her native language)

INTERNATIONAL WOMEN'S DAY

Hon. Rod A.A. Zimmer: Honourable senators, as we have heard from several of our female colleagues, Wednesday, March 8 is International Women's Day. It is a day on which we all can celebrate the women of past and present who worked hard to establish and assert their rights. However, as a United Nations member that has committed itself to honouring the spirit and the letter of the UN Convention on Discrimination against Women, we must also remember the tasks that lay before us in setting an example in all areas of women's rights. I would like to reflect on the importance of the meaningful participation of women in political and public life.

My hometown of Winnipeg is a cultural mecca on the Prairies. There has long been a history of pivotal moments for women in politics. The Walker Theatre in Winnipeg, which celebrated its one hundredth anniversary on February 17, was the site of a ground-breaking play starring Nellie McClung called, *How the Vote Was Won — A Women's Parliament*.

The 1914 performance so brilliantly ridiculed the government that, two years later, the government of Rodman Roblin relented and Manitoba women were the first in the country to win the vote. We all know what started to play out on the national stage following that historical event.

Since that time, women have played an integral role in political process. The contributions of women have shaped the policy and direction in which our country is headed. Many social policies that define Canadian society have been introduced, refined or implemented by female politicians, volunteers and staff. Women have long been the driving force behind health care, child care, social support systems, and many other policy initiatives.

Honourable senators, in Canada this year's theme for International Women's Day is Ending Violence Against Women: Action for Real Results. By engaging actively in the political process, women become part of the solution to problems such as violence. Historically, political movements such as the waves of feminism, the suffragist movement and industrialization have brought forward the issues facing women in the present era. Women have been instrumental in defending their own rights, as well as those of vulnerable members of our society, such as children.

On a personal level, I am committed to supporting female candidates in the next federal election. I have supported women in

politics at all levels of government and community involvement, and I am proud of every last one of them. Some have won their seats and others have not, but they all share a common desire to serve their communities and their country. I would like to celebrate and acknowledge all women who are active in politics, many of whom have shaped my political path and career.

• (1345)

The contributions of women to Canadian society pepper the history books of this great adventure we call Canada, and will continue to for years to come. I would like to commend the work of Status of Women Canada in celebrating the thirtieth anniversary of International Women's Day.

THE SENATE

ALLEGATIONS OF LIBERAL SLUSH FUND

Hon. Serge Joyal: Honourable senators, last night a CTV broadcast reported that there was "a slush fund" in the Senate established "beyond the knowledge of the public" that operated to the benefit of Liberal senators. This allegation was supported by the statement made by the Leader of the Government in the Senate, Senator LeBreton. I was personally mentioned in the report as a senator whose book project had received the support of this fund.

Let me set the record straight: There is no such fund that is beyond the knowledge of the public or of Senator LeBreton herself. The annual budget of the Senate is part of the documents tabled each year in the chamber and voted on by all senators on both sides. A fund was specifically mentioned as item number one in the fourth report of the Committee on Internal Economy, tabled in the chamber on February 24, 2005.

Senator LeBreton is a member of the Internal Economy Committee that approves the Senate budget. She cannot plead ignorance about a budget that she herself recommends to other senators for approval. Once this budget is on the floor of the Senate, it is then up to any senator who has a question to raise it at that time. Senator LeBreton asked no question and raised no objection to that item of the Senate budget.

When the fund was established, a memorandum was sent to each and every senator on all sides of the house, inviting them to apply to the fund. The memorandum, dated June 20, 2005, reminded all senators that they had to obtain an application form, fill it out and send it to the chair of the Internal Economy Committee, after which the steering committee, which is comprised of senators from both the government and the opposition, would study the request and make a decision.

The decision to grant support to the book project I submitted was concurred in by the members of the opposite party, as it appeared in the letter from the committee dated June 2005. When the book project I submitted received financial support, it was with the written commitment that all the copyright returns would be given to a government agency, as was done six years ago when I edited a book on the Senate with the contribution of Senator Murray, Progressive Conservative, and Senator Pitfield, an independent.

Honourable senators, like all of you I bear the title "honourable" and try to live up to the standards and ethics that that title entails. I try to contribute to the work of the Senate in two ways: First, in taking a direct part in the study of bills and issues on the floor of the chamber and in committees in a dedicated way, giving to the work of this chamber my utmost attention; second, in contributing articles for publication in specialized magazines, reviews and books on issues of public policy that have interest when they are raised from time to time in the chamber. I always do it with a concern for a balanced point of view, seeking to avoid or minimize partisan tones that might restrict the use of these writings. I deplore that Senator LeBreton, through her comments, should cast doubt and suspicion upon my activities, and infer that I have benefited unduly from the fund of the Senate.

The deliberative function of the Senate and the ethics we should all practice demand that we all respect one another as honourable senators. Ethics cannot be legislated; it is a moral ground, and it is a way for us to nurture the high standard of respect that we should pay to other senators. In this way we value the contribution of every senator in the debate and study of the affairs of the nation.

When one's reputation is improperly questioned, the first thing to do is to ask the one who made the allegation to retract it. In this way the honour of everyone can be maintained. Accordingly, I am asking the Leader of the Government to do the honourable thing: to withdraw her comments and apologize.

• (1350)

[Translation]

INTERNATIONAL WOMEN'S DAY

Hon. Lucie Pépin: Honourable senators, as several of my colleagues have already pointed out, next week is women's week. Naturally, as Canadian women, we would like the entire year to be ours, but that will not happen until there is true equality for women in all aspects of life. That is not yet the case, but we must recognize that we are moving in the right direction.

With courage and self-confidence, Canadian women are breaking down barriers one by one and making their contributions in areas that would have been unthinkable just a quarter century ago. The Canadian Forces are an excellent example of this.

Despite its reputation for being a man's world, our army has gradually been adapting to women. Women can and do enter every trade and professional category. As soldiers, mariners, submariners, fighter pilots, helicopter pilots, engineers and doctors, they dedicate their talents and skills to serving and protecting Canada. I would like to take a moment to remember Captain Nichola Goddard, who was killed last May on the battlefields of Afghanistan.

The fact that female soldiers occupy command positions says a lot about the progress they have made.

As we try to assess to what extent the status of women has improved in this country, the Canadian Forces give us a perfect reason to celebrate. That said, an honest look at where we are

now reveals elements that are less worthy of celebration. This year's theme reminds us that Canadian women everywhere still experience violence. There is violence in every community and it has serious socioeconomic repercussions. All sectors of society, including governments, businesses, and volunteer organizations, must work side by side to change attitudes and behaviours. We must also work together to close the wage gap between men and women and correct the under-representation of women in politics.

As we all know, significant, lasting change is the result of hard work, good will and specialized programs. In Quebec today, half of all fathers take parental leave. That is unusual, but it is not a miracle. It is happening because of Quebec's new parental insurance plan. I have no doubt that the last vestiges of gender inequality will disappear thanks to appropriate public policy.

Naturally, I cannot talk about women without mentioning the wives and partners of our soldiers. On the eve of International Women's Day, I would like to reiterate my respect and admiration for these devoted heroines, whose contribution is underestimated.

Honourable senators, I urge you to demonstrate your support for these women again and again, at every opportunity.

ALLIANCE FRANÇAISE OF CALGARY

SIXTIETH ANNIVERSARY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I am delighted to rise here today to commend the Alliance Française of Calgary, which will celebrate its 60th anniversary on March 3, 2007.

His Excellency, Daniel Jouanneau, France's Ambassador to Canada, will attend the gala to celebrate this important milestone.

It was on February 22, 1947, the same year that oil was discovered in Leduc, Alberta, that the Alliance Française of Calgary was founded. At the time, a small group of francophones met once a month in a hotel, often joined by a speaker, a singer or other prominent individual to enliven the meetings.

The Alliance Française of Calgary now boasts five classrooms, a resource centre and an exhibit gallery. At present, there are 850 adult students, and cultural activities continue to thrive thanks to several partners, including Calgary's francophone community.

I can assure you that, over the years, the Alliance Française of Calgary has made a significant contribution to the promotion of the French language and culture, as well as to intercultural exchanges in the Calgary region.

I wish the Alliance Française of Calgary continued success in its excellent work and its partnership with the local francophone community, as well as other local and provincial francophone organizations.

[English]

ROUTINE PROCEEDINGS

AGING

INTERIM REPORT OF SPECIAL COMMITTEE TABLED

Hon. Sharon Carstairs: Honourable senators, I have the honour to table the second report of the Special Senate Committee on Aging, an interim report entitled "Embracing the Challenge of Aging," which, for the interest of senators, has been printed for the very first time for a Senate report in an enhanced font, so that seniors and those who have some vision impairment will have an easier time in reading it.

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Carstairs, report placed on the Orders of the Day for consideration two days hence.

• (1355)

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Maria Chaput, Chair of the Standing Senate Committee on Official Languages, submitted the following report:

Thursday, March 1, 2007

The Standing Senate Committee on Official Languages has the honour to table its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006 to study and to report from time to time on the application of the Official Languages Act and of the regulations and directives made under it, within those institutions subject to the Act, now tables its fifth report, an interim report entitled Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Winter Games: A Golden Opportunity.

Respectfully submitted,

MARIA CHAPUT
Chair

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Chaput, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORITY TO ENGAGE SERVICES—STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH—REPORT OF COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 1, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

TENTH REPORT

Your Committee, which was authorized by the Senate on Tuesday, November 28, 2006 to examine and report on the impact of the multiple factors and conditions that contribute to the health of Canada's population — known collectively as the social determinants of health, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

ART EGGLETON
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1144.)

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this report be taken into consideration?

Senator Eggleton: Honourable senators, with leave of the senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Eggleton, report placed on the Orders of the Day for consideration later this day.

BUDGET AND AUTHORITY TO ENGAGE SERVICES—
STUDY ON CURRENT SOCIAL ISSUES OF LARGE
CITIES—REPORT OF COMMITTEE PRESENTED

Hon. Art Eggleton, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Thursday, March 1, 2007

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

ELEVENTH REPORT

Your Committee, which was authorized by the Senate on Wednesday, June 28, 2006 to examine and report on current social issues pertaining to Canada's largest cities, respectfully requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

ART EGGLETON
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1150.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

Senator Eggleton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Eggleton, report placed on the Orders of the Day for consideration later this day.

[Translation]

CANADA TRANSPORTATION ACT
RAILWAY SAFETY ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker pro tempore: informed the Senate that a message had been received from the House of Commons with Bill C-11, to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts.

Bill read first time.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

On motion of Senator Stratton, bill placed on the Orders of the Day for second reading two days hence.

• (1400)

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT
TO PROMULGATE ITS ENDORSEMENT
OF THE PARIS COMMITMENT ON CHILD SOLDIERS

Hon. Roméo Antonius Dallaire: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate call on the Government of Canada to widely disseminate its endorsement of the *Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups*, known as the Paris Principles and adopted by 58 countries in Paris, France on February 6, 2007; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating child soldiers as enunciated in the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (2000) as well as Security Council resolutions 1539 (2004) on Children in Armed Conflict, and 1612 (2005) on Monitoring and Reporting on Violations Against Children in War.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO REFER PAPERS
AND EVIDENCE OF SPECIAL SENATE COMMITTEE
ON SENATE REFORM

Hon. Donald H. Oliver: Honourable senators, with leave of the Senate and notwithstanding rule 58(1), I give notice that later this day I will move:

That the papers and evidence received and taken and the work accomplished by the Special Senate Committee on Senate Reform for the study of the subject matter of Bill S-4, An Act to amend the Constitution Act, 1867, during the First Session of the Thirty-ninth Parliament, be referred to the Standing Senate Committee on Legal and Constitutional Affairs for its study on Bill S-4, An Act to amend the Constitution Act, 1867.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF MILITARY AIRCRAFT FROM BOEING COMPANY—ECONOMIC OFFSETS— TRACKING PROCEDURES

Hon. Francis Fox: Honourable senators, my question is for the Minister of Public Works and Government Services, since he is the minister responsible for the signing of all procurement contracts for the Government of Canada, whether it is to buy pencils, handguns or military equipment such as the C-17. I know that the minister is familiar with all the details of this military aircraft procurement contract between the Government of Canada and Boeing.

My question is: Can the minister put an end to the ambiguity that surrounds this contract's terms and content, by providing a clear, accurate and unequivocal question on the negotiation of that contract's economic spinoffs?

• (1405)

The ambiguity arises from the fact that this is, by all appearances, a \$3.4 billion contract. However, a maintenance contract worth \$1.6 billion was given to the USAF, which reduces the total value of the contract to \$1.8 billion. Also, apparently, engines will be bought outside Canada, thereby reducing the total value of the contract to \$800 million.

The minister, Senator Fortier, has often talked about these economic spinoffs, especially in response to some of my questions this February regarding which he promised to give us information within a reasonable period of time. Will these economic benefits be based on the \$3.4 billion for the Canadian industry as a whole? Or was he talking about economic benefits from the lesser amount, \$800 million?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, as I have always said in this House, and as I will say again today, with respect to the contract signed with Boeing or the signing of contracts with foreign companies and non-Canadian equipment manufacturers, such manufacturers are required to reinvest in Canada, dollar for dollar, the money they receive from the contracts.

Senator Fox: If I may, the Honourable Minister's answer was not as clear as I would have hoped.

Are the economic spinoffs based on the \$3.4 billion contract amount or on the \$800 million contract amount? It has to be one or the other. Which of these two amounts was the subject of negotiations about economic spinoffs for Canada?

Senator Fortier: Honourable senators, the acquisition costs of this contract were announced the day Minister Bernier, Minister O'Connor and I made the announcement. None of this should be confusing to the Canadian public. It is clearly laid out in a press release. In fact, I would invite you to visit our departmental websites, where the aircraft acquisition costs and the maintenance costs are broken down.

With respect to foreign equipment manufacturers, any money going to the foreign equipment manufacturer — in this case, Boeing — must be reinvested in Canada dollar for dollar.

Senator Fox: Honourable senators, I would like to ask a supplementary question. The minister is being extraordinarily ambiguous even though he is here to answer our questions as precisely as possible. Personally, I find that having him refer me to departmental websites is a very strange way to answer a question in this house.

I would have liked to have some indication from the minister as to whether the economic benefits for Canada would be based on the amount of \$3.4 billion or \$800 million, but I shall have to ask him another question. Will the \$1.6 billion from the contract awarded to the USAF generate economic benefits for Canada?

I seem to remember a previous Conservative government, under the leadership of the Right Honourable Brian Mulroney, that showed tremendous political courage and that, despite the negative political fallout as a result of granting a maintenance contract for the F-18s, decided that the maintenance would be done in Canada. It was a courageous gesture and, in the end, in the best interest of Canada.

Can the minister tell us why the maintenance is being done in the United States? Perhaps it is an easy way to avoid the problem of choosing where in Canada it would be done. However, I would like to know whether the economic benefits for Canada will come from the \$1.6 billion contract signed with the USAF, dollar for dollar, as the minister suggested?

The answer to the question will be yes or no.

Senator Fortier: Honourable senators, I would like to inform Senator Fox that this government has shown political courage in insisting, when it comes to current and future procurement, that foreign manufacturers must reinvest in Canada. This is a new policy and a new philosophy.

Previously, as I am sure we all know, investments were made in Canada by foreign manufacturers for military procurements that had absolutely nothing to do with the aerospace industry.

You asked us why the maintenance is not being done here in Canada. In response, I can say very simply that it is not advantageous for the taxpayers. We negotiated the best acquisition contract for those planes. Of all the countries to purchase the C-17 Globemaster III, as far as we know, this government negotiated the best price per plane ever negotiated for that aircraft.

• (1410)

I am thinking about the taxpayers. I am sure you agree with me.

As for the last part of your question, about the maintenance that will be performed by a foreign manufacturer, in this case Boeing, the company will reinvest one dollar in Canada for every dollar it receives from Canada to maintain its aircraft.

[English]

INDUSTRY

PURCHASE OF MILITARY AIRCRAFT FROM BOEING COMPANY—ECONOMIC OFFSETS— TRACKING PROCEDURE

Hon. Sharon Carstairs: Honourable senators, I have a supplementary question to the Minister of Public Works. We hear from the honourable minister it is dollar for dollar and the same amount of money must be spent in Canada. I would like to know what tracking procedures he has put into place within the Department of Public Works to ensure that "dollar for dollar" is spent.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I respectfully submit that this question should be asked of my colleague, as it deals with the Department of Industry. It is a good question and there is an answer, but the Leader of the Government will provide that answer. It does not involve the Department of Public Works and Government Services.

Senator Carstairs: With respect to the honourable minister, it does involve Public Works. Public Works is responsible for every single contract signed in this country and for ensuring that those contracts are appropriately carried out. Part of this contract is the provision of "dollar for dollar." I want to know what Public Works has put into place, not the Department of Industry, to track this "dollar for dollar" to ensure that Canada is indeed getting the value that they say we are getting.

Senator Fortier: Honourable senators, I guess the rules have changed since the honourable senator was Leader of the Government in the Senate. I can tell her that this is not a Public Works issue, so she can scream as loud as she wants. It is a Department of Industry issue. They monitor the situation; it is their responsibility. There is a policy within that department, and I invite the honourable senator to ask the question to the Leader of the Government in the Senate.

Senator Carstairs: Honourable senators, I would like to ask the honourable senator to apologize. Why is that when women ask questions we are somehow screaming?

PUBLIC WORKS AND GOVERNMENT SERVICES

BORDER SERVICES AGENCY— COST TO DEPARTMENT OF ARMING GUARDS

Hon. Daniel Hays: Honourable senators, I would like to follow up on a question I was discussing — more so than getting an answer — with the Leader of the Government in the Senate involving the Canada Border Services Agency and the arming of border guards. It seems to me that part of this matter falls under the responsibility of the Minister of Public Works and his department.

Just to remind the minister, there are 5,000 border guards. I quoted from two *Ottawa Sun* articles indicating the cost of arming them and providing additional people to be with the guards on occasions when it is important to do so. Over a short period of time — not just one year, but I think two or three — the

total amount is about \$1 billion. In terms of the armament, the 9 millimetre pistol, some 2,400 are to be delivered by next March, 4,000 more later on and additional numbers as time passes, for a total of 6,400.

Can the minister provide an answer as to the actual cost of the component of this project that will come under the jurisdiction of the Department of Public Works? That way we will know what the rest of it is for.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I will have to take that question as notice. We will find out what these costs are.

[Translation]

CONTRACTS ISSUED WITHOUT TENDER— APPOINTMENT OF PROCUREMENT OMBUDSMAN

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I would like to express my deepest sympathies and send my love to the family of Senator Comeau, who lost his brother yesterday. I understand that Senator Comeau is with his family, and I hope that all my colleagues will join with me in offering their sympathies to him.

My question is for the Minister of Public Works and Government Services: what rules will apply when a contract is awarded without tender?

• (1415)

This government worked very hard to introduce Bill C-2, which was supposed to regulate government procurement, promote competition and get the best prices.

This week, the newspapers talked about contracts awarded to firms without tender. I would like to ask the minister what rules will apply for contracts worth several million dollars that are awarded without tender.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, the good news is that very few contracts are awarded without tender. As minister, I have found that, especially in the technology sector, such contracts are generally awarded when a company that was initially under contract has a licence or a unique technology. When the contract expires and a department decides to continue using this technology for the purposes of the program for which it was required, we do not have any choice. Rather, we could choose to issue another call for tenders, but I think that, for the sake of the taxpayers, it is wise to renew the contract when the technology is unique to the supplier. This exception is the reason most often given for awarding a contract without tender.

Senator Hervieux-Payette: Your answer does not give me the criteria. I worked in an engineering firm for five years where I was responsible for the development of new technologies and I can tell you that taking this piecemeal, case by case approach is a good excuse for eliminating the competition. I have seen this happen many times.

My question was very specific. I want to know what objective criteria are being applied — I do not want to know about the subjective criteria used by the departments. And when do you

intend to name the person responsible for procurement in your department? When will this person begin work? Is there a competition? Is this competition still in progress and when can we expect this person to start work?

We spent a lot of time during consideration of Bill C-2 and made many recommendations. I realize today, some one hundred days later, that many of the positions described in the bill and many of the measures intended to ensure the integrity of the system have not been implemented.

We have often been accused of holding up that bill, but today, several months later, many of the sections of the bill are not being applied.

I want to know when this person will be appointed and whether we can obtain the objective criteria used in the context of granting contracts without a call for tenders.

Senator Fortier: As far as the question on the procurement ombudsman is concerned, in answer to Senator Mitchell's question last week, I stated that we are in the process of establishing criteria for defining the profile of the person we would like to recruit. A public competition will be launched very soon. In a few months we will be able to identify someone.

As far as the criteria are concerned, I apologize for not responding to your specific question. Essentially, contracts without a call for tenders are prohibited. There are no criteria to allow them; they are prohibited. The few times contracts have been awarded without a call for tenders have been in cases like that; the minister has to be convinced that circumstances require a contract to be awarded without a call for tenders.

I want to reassure you. You must be concerned or you would not have asked the question. Since I have been minister, very few contracts have been awarded without a call for tenders. I can assure you that, except in the very rare cases I mentioned earlier, there will not be any.

[English]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUTURE OF ACTION PLAN FOR CHILDREN

Hon. Marilyn Trenholme Counsell: I have a question for the Honourable Deputy Leader of the Government in the Senate that I wish to have taken as notice.

There have been rumours that add to my fear for children in this country, to the effect that the program known as CAPC, Canadian Action Plan for Children, is possibly threatened.

• (1420)

I would like to know if there is any substance to perhaps what is only a rumour, which I hope it is. I wonder if we could have information on the ongoing support and funding of this important program across the land for Canada's children.

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank the honourable senator for the question. On behalf of the Leader of the Government in the Senate, I will take this question as notice.

[Senator Hervieux-Payette]

NATIONAL REVENUE

REINSTATEMENT OF VISITORS' REBATE PROGRAM

Hon. Catherine S. Callbeck: Honourable senators, in the absence of Leader of the Government in the Senate, would the Deputy Leader take this question as notice.

Last September, this Conservative government cancelled the Visitors' Rebate Program. That cancellation will discourage people from choosing Canada as a travel destination and it impairs our competitiveness on an international level. In fact, we are the only OECD country with a government-added tax that does not have a Visitors' Rebate Program.

A report that was endorsed by Tourism Industry Association of Canada shows that this cancellation means a loss of \$238 million to the GDP and a loss of 5,700 jobs in the tourism industry. The bottom line is that cancellation of this program is having a very negative effect, or will have, on our tourism industry. The federal government should be implementing, and not eliminating, programs to help the struggling tourism industry.

Will the government listen to the Canadian tourism industry and reinstate the Visitors' Rebate Program?

Hon. Terry Stratton (Acting Deputy Leader of the Government): I will take the honourable senator's question as notice and address it to the Leader of the Government in the Senate.

[Translation]

OFFICIAL LANGUAGES

2010 WINTER OLYMPICS— REFLECTION OF LINGUISTIC DUALITY

Hon. Eymard G. Corbin: Honourable senators, my question is for Senator Chaput, in her capacity as Chair of the Standing Senate Committee on Official Languages.

This morning I learned of the article, "Senators push Olympic bilingualism. Committee wants to ensure 2010 Winter Games reflect Canada's linguistic duality", published in today's *Vancouver Sun*.

I find it hard to understand how the media were able to become familiar with the contents of the report tabled just this afternoon in the Senate in both of Canada's official languages. I do not find this to be in accordance with the rules and privileges of the Senate. Reports and draft reports are confidential until they are presented in the Senate.

Is the Chair aware of this matter?

Hon. Maria Chaput: Honourable senators, I acknowledge that such leaks should never happen. I was informed of the matter this morning. I reviewed the process that we established and which is the same for all other committee reports. The drafts were numbered and marked confidential.

I have no idea how this leak occurred. I can assure you that I will raise this matter at the next committee meeting and we will conduct an investigation.

[English]

ATLANTIC CANADA OPPORTUNITIES AGENCY

MAIN ESTIMATES—BUDGETARY REDUCTION

Hon. James S. Cowan: Honourable senators, again I would ask the Deputy Leader to take this question as notice on behalf of the Leader of the Government in the Senate.

The 2007-08 government expense plan and Main Estimates, which were tabled in both Houses two days ago, show \$15 million in cuts to the Atlantic Canada Opportunities Agency, including over \$11 million slashed from grants and contributions to Atlantic businesses and communities. On May 18, 2006, one of our colleagues rose in this house to say the following:

The ACOA operation is expertly organized and professionally executed. In one word, it was impressive. The activities of ACOA have helped enlarge the markets for dozens and dozens of small and medium-sized Atlantic Canadian businesses.

Honourable senators, I was once a strong critic of ACOA, but now that I have seen first-hand the invaluable work they are doing for the business sectors of all of our Atlantic provinces, they are only to be encouraged in these significant endeavours.

I am sure Senator Oliver will recognize his words.

• (1425)

Will the Leader of the Government in the Senate urge the Prime Minister to follow the wise advice of his own senators and restore the \$15 million slashed from ACOA's funding by this government?

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I will take that question as notice.

FINANCE

UPCOMING BUDGET—REQUEST FOR INFORMATION

Hon. Jim Munson: Honourable senators, will the government take this question as notice as well?

My question is for the Minister of Public Works and Government Services, if he wants to make news. The reporters do not cover this place except for sensational stories, and he could perhaps give us a few hints from his own perspective of what might be in the budget. Could he give us just a couple of hints? We could get a lot of attention here from reporters who are at the other place. I know that he answered questions well earlier today, and I thought perhaps he might want to enlighten us on what might be in the budget.

[Translation]

The Hon. the Speaker pro tempore: I would like to remind honourable senators that the Minister may decide whether or not he will reply to a question.

[English]

Senator Munson: Honourable senators, my question is as notice to the government. We set the financial table for the government; they know that. They arrived in office to a multi-billion dollar surplus. At the time, the economy was booming, personal income taxes were being cut, but the government still has a fixation on cut, cut, and cut. Who are facing these cuts? We know who they are: the adult literacy programs, support for women, Aboriginal health, real child care options, court challenges programs, savings programs for the retired and so on.

The government is always talking about value for money. How can we talk about value for money when we look at what is happening in our cities? Statistics show the average poverty rate among city residents is 24.5 per cent. Nearly one in four city dwellers is poor. Aboriginal people, recent immigrants, visible minorities and persons with disabilities are over-represented among the poor. The government has the money. We know they have it, because we gave it to them to try to manage well; it is there.

I am asking, before the budget is handed down in two weeks, why not spend it in the right places? Why not spend it on people?

Hon. Terry Stratton (Acting Deputy Leader of the Government): I will take that question as notice.

JUSTICE

LAW REFORM COMMISSION—FUNDING CUTS

Hon. Jeremiah S. Grafstein: Honourable senators, regarding the Law Reform Commission, many of us are members of the bar, many are concerned about law reform and many are concerned with social justice. Among all the things the government wants to dismantle, why has the government chosen to cut funding to the Law Reform Commission of Canada?

Hon. Terry Stratton (Acting Deputy Leader of the Government): Does the honourable senator want me to take that question as notice?

Senator Grafstein: The honourable senator can do with that question as he will.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour of tabling the answers to two oral questions, the first asked by the Honourable Senator Banks on February 13, 2007, regarding the commercial building incentive program; and the second by Senator Hays on February 21, 2007 regarding the Canadian Wheat Board plebiscite for barley producers.

NATURAL RESOURCES

COMMERCIAL BUILDING INCENTIVE PROGRAM—CANCELLATION

(Response to question raised by Hon. Tommy Banks on February 13, 2007)

The Commercial Building Incentive Program (CBIP) has been in place since 1998. The Program contributed \$43 million in incentives to more than 900 new building projects, successfully improving the knowledge and competencies of more than 3000 architects, designers and builders over the last eight years. These projects have demonstrated the technical and financial feasibility of designing energy-efficient, new commercial and institutional buildings throughout Canada.

While the CBIP will wind down by March 31, 2007, there will be new and ongoing activities related to the energy efficiency of new buildings starting April 1, 2007. These activities are part of the \$60 million ecoENERGY for Buildings and Houses program announced January 21, 2007, by Minister Lunn. This program will encourage the construction, operation and retrofit of more energy-efficient buildings and houses through the implementation of complementary activities such as rating, labelling and training.

For homeowners and smaller businesses, institutions and industrial organizations, Minister Lunn announced the \$220 million ecoENERGY Retrofit program, which will offer financial support and information to encourage the retrofit of homes, small buildings, and industry.

Added to this is \$60 million for ecoENERGY programs for industry and transportation. Combined, these programs make up the \$340 million ecoENERGY Efficiency Initiative, an investment spanning four years to promote smarter energy use and reduce the amount of harmful emissions affecting the health of Canadians.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—PLEBISCITE FOR BARLEY PRODUCERS

(Response to question raised by Hon. Daniel Hays on February 21, 2007)

There is no reason to question the integrity of KPMG, the internationally recognized professional services firm that was selected to run the barley plebiscite after winning an open competition.

KPMG addresses the question of voter confidentiality clearly and explicitly on the 2007 official plebiscite information centre website at www.2007barleyvote.ca. It says:

'In accordance with the applicable privacy laws, all records will be confidential and used only for purposes of the vote. Your declaration and ballots have unique

identifier numbers for the tabulation of the results. Each mailing package has separate envelopes for the ballot and declaration.

The 'secrecy' ballot envelopes will not be opened until after the March 13th postmark deadline and the corresponding self-declaration has been processed.

KPMG LLP staff responsible for the opening of the secrecy ballot envelopes, count and tabulation of the voter preference will not have access to the declaration or registered voter names. Confidentiality was a primary concern when KPMG designed the declaration and tabulation process.'

The Government encourages all eligible barley producers to participate in this plebiscite by taking the time to fill out their declaration form and ballot and make their voices heard.

To be eligible, the producer must have produced grain in 2006 and must have produced barley in at least one of the years between 2002 and 2006. This plebiscite is open to all barley producers in the Canadian Wheat Board designated area, including those who have grown barley for use on their own farm as feed or seed.

Persons who believe they are eligible to vote and have not yet received a voter package, are encouraged to contact the election co-ordinator before March 2 at 1-888-3BARLEY (1-888-322-7539) or at www.2007barleyvote.ca to make arrangements to have a package mailed to them.

Ballots, as well as a completed declaration form, must be returned to the election co-ordinator postmarked no later than March 13.

[Translation]

CANADA ELECTIONS ACT PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved the second reading of Bill C-31, to amend the Canada Elections Act and the Public Service Employment Act.

He said: Honourable senators, we are undertaking debate, at the second reading stage, of Bill C-31, which seeks to improve the integrity of the Canadian electoral process. This bill makes several technical and operational improvements to the electoral process as well as to the Canada Elections Act.

• (1430)

These measures are designed to modernize our electoral system, ensure that elections are held properly, and ensure that Canadians continue to have confidence in our democratic process.

Today, I would like to give you an idea of the bill and of its objectives, but first I want to provide a bit of information on the evolution of this legislation.

I followed with great interest the process regarding this bill in the other place. I believe that this process should have a bearing on how we understand this legislation. The most distinctive feature of Bill C-31 is that it is the legislative response to a report of the House of Commons Standing Committee on Procedure and House Affairs. This bill implements most of the measures recommended by the committee in its report.

You will agree with me that, these days, with a minority government, such a degree of cooperation between the parties is uncommon. In my opinion, this reflects the tremendous respect that parliamentary committees should enjoy when they make consensual decisions.

The review done by that committee was based on the report of the chief electoral officer on the 38th general election. Soon after Parliament resumed sitting, last spring, the House of Commons Standing Committee on Procedure and House Affairs began its review of the report submitted by the chief electoral officer and of the recommendations included in it. The committee had received the report in September 2005, but because the 39th general election was called, it postponed its review until this Parliament. In his report, the chief electoral officer made a broad range of recommendations to improve the electoral process, and the committee reviewed them one by one. Committee members were all the more motivated, because they themselves had just gone through two general elections in less than two years. They worked on drafting concrete recommendations to amend the act so as to improve the integrity of our electoral process.

The committee tabled its 13th report in the other place, on June 22, 2006. No dissenting opinion was annexed to the report. Even though Bloc Québécois members sitting on the committee included a supplementary opinion, all the parties supported the legislative measure designed to increase the integrity of the electoral process.

The committee asked for a response from the government when it tabled its 13th report, and 120 days later, the government submitted its response endorsing nearly all of the committee's recommendations.

But the government did not stop with one report. Recognizing just how important the integrity of the electoral system is, the government hastened to table Bill C-31 to implement the committee's recommendations for amending the Act.

Therefore, we have before us today a bill that is based on the expertise and opinions of the Chief Electoral Officer and the Privacy Commissioner of Canada, as well as on the experience of MPs who are, it goes without saying, major users of the Elections Act.

This bill also takes into account the views that large and small political parties expressed to the committee while it was studying the bill, not to mention the views of groups that help citizens who have difficulty exercising their right to vote. Bill C-31 is a very good example of the importance of transcending political party lines to create public policy that benefits Canadians. Our honourable colleagues in the official opposition know that on October 26, 2006, their party published a press release praising the introduction of Bill C-31.

I am quite sure that once I have reviewed the measures it contains, you will agree that it leads to concrete improvements to the electoral system that is the very foundation of our democratic process.

As I said, the bill is designed to improve the integrity of the electoral process by introducing operational and technical improvements to the Canada Elections Act. There are many improvements, and some may seem very small, but taken together, they will give Elections Canada the tools to administer elections; they will give political parties and candidates the tools to run their campaigns; and they will enable Canadian voters to voice their democratic opinions.

Let us begin by looking at some of the changes in the bill to improve the accuracy of the National Register, also known as the permanent list of electors, which replaced door-to-door enumeration in 1997.

The lists of electors used by political candidates and Elections Canada staff are based on this register. These lists are also used to send registered voters the cards that remind them where and when to exercise their right to vote. It is therefore crucial that these lists be as accurate as possible. This is particularly true because, under the current system, the mere fact of being registered on the list automatically gives the individual the right to vote.

This is problematic for a number of reasons, but above all because of the risk of fraud and error, which compromise the very integrity of the voting process. For instance, members of the Standing Committee on Procedure and House Affairs found names registered twice on the list, names of deceased voters, and work addresses rather than home addresses.

Elections Canada is striving to ensure the accuracy of the lists and the National Register by cross-checking the data with the registers of provincial elections authorities, vehicle registration offices and vital statistics centres, as well as by contacting Canadians directly.

The bill before us here today aims to ensure that the legislative framework will facilitate the maintenance of an updated, reliable and accurate list.

Accordingly, the bill authorizes the government to reformulate the questions on the first page of the income tax return, where Canadians can indicate their consent to having their name, address and date of birth communicated to Elections Canada for inclusion in the register.

The Chief Electoral Officer has pointed out, however, that individuals who do not have citizenship and therefore do not have the right to vote sometimes check this box, which makes the information less reliable.

Bill C-31 authorizes the Canada Revenue Agency to reformulate the question on the tax return in order to make it clear that the question applies only to Canadian citizens who are eligible voters. This measure will improve the reliability of the information received, thereby increasing the accuracy of the National Register and the lists of electors.

• (1440)

Bill C-31 also gives the Canada Revenue Agency the power to inform Elections Canada of deceased voters, so that those names can be removed from the Register more quickly.

Other changes, which will improve the accuracy of the Register and the voters' lists, provide for clearer statutory authorities to allow returning officers to update the Register and the voters' lists, to specify that the Chief Electoral Officer has the ability to share information with the provincial electoral authorities and to allow the Chief Electoral Officer to use stable identifiers for easier cross-referencing of information on electors. These practical measures will, in a tangible way, help improve the integrity of the National Register.

A second set of measures in the bill make it easier for eligible Canadians to exercise their right to vote. In concert with Bill C-16, which provides for fixed-date elections, these measures will help increase voter turnout for federal elections. Bill C-31 will allow more advance polls when circumstances warrant, especially in very large or rural districts, where some voters have to travel great distances to use advance polls.

Bill C-31 also makes it easier to obtain transfer certificates to vote at another polling station where warranted. Consequently, voters with a functional limitation will no longer have to request a transfer to an accessible polling station three days in advance. In addition, voters whose polling station has been changed by Elections Canada will still be able to vote if they go to the polling station shown on their notice. This measure will avoid discouraging voters from exercising their right to vote.

These reforms will complement another series of changes made by the bill, which are designed to improve communications between candidates, parties, election officials and the electorate. Better information on the election and the candidates will encourage people to become involved in the political process.

In this regard, improving the availability of up-to-date lists of electors for parties and candidates, so they can contact voters and "get out the vote", is essential. Under Bill C-31, preliminary lists of electors will be distributed 19 days before the election in order for candidates to have more accurate lists earlier in the campaign. Furthermore, the current lists provided to the parties and members of Parliament will be more accurate. These lists will be distributed on November 15 rather than October 15, in order to reflect moves that may have taken place during the summer.

The bill will grant election officials, such as returning officers, the right to access multiple-residence buildings and gated communities in order to carry out their duties. This provision will make it easier to conduct targeted revisions of the list of electors, particularly in areas where there is high mobility and, unfortunately, low registration.

It will be easier for candidates to meet voters as they will have greater access to gated communities and premises open to the public, such as shopping centres, for the purpose of campaigning.

With more information, voters will be able to make an informed decision on election day. That is the objective of the election campaign period and Bill C-31 helps to achieve this objective.

The bill also makes other technical and operational improvements. I would like to address one of the most significant amendments regarding the identification of voters. This recommendation was at the heart of the 13th Report of the Standing Committee on Procedure and House Affairs.

Many committee members were definitely of the opinion that a voter identification system is indispensable in order to maintain the integrity of the electoral process.

First of all, on a practical level, if you were a candidate in a very close election, you would want to know that all votes cast were legitimate. We can all remember examples of very close elections where we would want to say that this was the case.

And if you were a voter in such a riding, you would want an assurance that the democratic will of the people was respected and that the impact of your vote had not been diminished by fraudulent votes.

Second, with every instance of electoral fraud the public loses confidence in our democratic system. This is not a purely symbolic matter; it truly weakens the democratic fabric of this country.

Bill C-31 actively reduces the possibilities for electoral fraud through a simple measure. It amends the Canada Elections Act to make it mandatory for all Canadians to present a piece of identification before voting.

Currently, electors whose name appears on the list of electors simply have to state their name and address to receive a ballot.

Under the terms of Bill C-31, registered electors will have to provide proof of their identity and address before being allowed to vote. I must point out that people who are not registered already have to present a piece of identification to be able to register at the polling stations.

Unfortunately, the definition of what constitutes a suitable piece of identification is left to discretion of the Chief Electoral Officer, who is not required to make it public.

Likewise, any registered elector can be asked for proof of identification, but again, the definition of what constitutes suitable proof of identification is left to the discretion of the Chief Electoral Officer.

Thanks to Bill C-31, the guidelines on suitable pieces of identification will be clear and the voting and registration procedure more uniform. The bill provides for three entirely reasonable options for proving identification and address. First, the registered elector can present one piece of identification issued by a government agency that includes their name, photo and address. Most people will use their driver's licence to prove their identification and address.

Second, the elector can present two pieces of identification and a proof of address. These pieces of identification have to be authorized by the Chief Electoral Officer. The Chief Electoral Officer has indicated his intention to work with the Standing Committee on Procedure and House Affairs on preparing a list of pieces of identification that will ensure fair access.

I want to point out one thing, however. The bill clearly states that the First Nations "status card" constitutes an acceptable piece of identification for this purpose. I would also add that in the past, electors without a fixed address wanting to register on voting day have used their health card as proof of identification and an official letter from a shelter as proof of address.

I would hope that a similar system could be used for voting under the new rules in Bill C-31.

• (1450)

However, even if a person did not have any piece of ID, he could still vote by taking an oath or making a statutory declaration, and by asking another voter to vouch for him.

In order to improve the reliability of this measure, from now on no voter shall vouch for more than one voter, and no voter without ID shall vouch for another voter. I am sure you understand why.

The House of Commons Standing Committee on Procedure and House Affairs wanted to meet with spokespersons representing the homeless, students and aboriginal groups, to ensure that the voter identification procedure would not deprive any eligible voter of his right to vote.

In fact, the voter identification process will be modelled on similar procedures in Canada and in other countries, such as those in my native province of Quebec, and a growing number of municipalities across the country. This reform and the other measures that I mentioned will improve the integrity of our system but, more importantly, they will increase the confidence of Canadians in that system.

In conclusion, I am very pleased to launch the debate on Bill C-31, because this legislation will bring concrete improvements to our electoral system. The integrity of that system and the well-being of our democracy go hand in hand. By improving the operation of our electoral process, we help make our democracy stronger.

It is important to point out that this bill is based on the direct experience of the members of the other place, and on the administrative skills of the chief electoral officer, in order to provide Canadians with a more effective electoral system. Moreover, it is a reflection of the government's will to listen to the recommendations of parliamentarians and to act to solve problems that affect all parties.

I feel this is a good piece of legislation, and I hope that all honourable senators will join me in supporting it.

On motion of Senator Tardif, debate adjourned.

EMERGENCY MANAGEMENT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Michael A. Meighen moved that Bill C-12, to provide for emergency management and to amend and repeal certain Acts, be read the second time.

He said: Honourable senators, I am pleased to take part in the debate on Bill C-12, the Emergency Management Act. This act would give the Government of Canada a renewed legislative foundation enabling it to adopt a comprehensive approach to managing 21st century emergencies.

The bill is designed to give the Government of Canada the powers it needs to deal with modern emergency situations. Honourable senators, this is about meeting the need for coordinated federal intervention to complement provincial, territorial and other interventions.

I will explain how this bill will benefit all Canadians and put the federal government in a better position to protect them.

[English]

As it now stands, honourable senators, Bill C-12, the proposed emergency management act, was referred to the Standing Committee on Public Safety and National Security in the other place, where it was considered in detail. Witnesses from the public and private sectors were generally supportive of the bill, and the committee in the other place did not suggest or adopt any modifications.

The threats we face today are many and varied. We are faced with natural threats — floods, hurricanes, tornadoes, ice storms and blizzards, to name only a few — and with accidental or international threats such as chemical spills or terrorists acts. These threats to Canadians are real and the government needs to be prepared. In fact, as far as natural threats are concerned, scientists warn that they could become more frequent and severe in the future, increasing the risk to public safety and further threatening critical infrastructure in our country.

To illustrate the effect that emergencies can have on our society, I will share a startling statistic with you. The Conference Board of Canada estimates that the outbreak of severe acute respiratory syndrome, SARS, in 2003 cost the Province of Ontario and, in particular, the City of Toronto, \$1 billion, including millions in lost tourism revenue. As the fallout of SARS on Canadians subsided, Ontario and the northeastern states experienced the August 2003 power outages.

Canada's assistance to the United States during Hurricane Katrina in 2005 highlighted our need to respond beyond our borders. Added to all these challenges, of course, is the terrorist threat. The tragic London bombings last summer, an attack on an important ally of our country, put into sharp focus the need to guard against terrorist attacks within our own borders, and to be able to respond in the aftermath.

So what are the benefits, honourable senators, of the proposed emergency management act to Canadians? Canadians can expect better leadership and coordination at the federal level, and with our provincial and territorial counterparts. The federal government recognizes that the protection of critical infrastructure — for example, telecommunications, transit systems, water systems and hydro lines — is absolutely vital to the smooth running of our country and our economy, and the continuation of business.

The need for business continuity planning is essential in the face of emergencies to provide for the continued delivery of critical services such as hospitals, banking and safe water. Business continuity planning would also contribute to minimum disruption to the economy, including trade, commerce and jobs.

Canadians, it seems to me, want to be assured that the impact of emergencies will be minimized through proper preparedness and mitigation; that assistance — financial and otherwise — will be available when and where it is needed most; and that disruptive effects can be limited and short-lived through coordinated and efficient response and recovery efforts. These expectations and needs will be met through enhanced collaboration with the provincial and territorial partners and other stakeholders.

Public Safety and Emergency Preparedness Canada works with other federal departments and the provinces to support disaster prevention and mitigation measures. As many honourable senators will know, programs exist at the federal level, in the form of financial assistance for provinces and territories that are preparing for emergencies, such as the Joint Emergency Preparedness Program, JEPP; and for provinces that are recovering from an emergency, such as under the Disaster Financial Assistance arrangements. These programs were established under the Emergency Preparedness Act, the predecessor of the proposed emergency management act, which will continue.

The proposed emergency management act would set out more clearly the Public Safety Minister's leadership role and his responsibility to coordinate emergency management activities across the federal government. It recognizes that effective emergency management requires the collective efforts of all levels of government, non-governmental organizations and the private sector.

The federal government also recognizes in this proposed act the need for an improved warning system for Canadians. Providing for this need is one of the goals of information sharing for better emergency management planning and alerting. Currently, we have the capacity to alert the public through the use of websites, through provincial and territorial governments and, of course, the media. This enhanced leadership, coordination and information sharing will ensure rapid and efficient federal response to emerging national threats or emergencies, whether they are intentional or not.

It is important, honourable senators, to note that Bill C-12 does not intrude on provincial jurisdiction, and does not impose any obligations on provinces or territories. All provisions contained in the bill fall within the federal mandate.

[Translation]

Honourable senators, everything I have just said supports the bill before us and emphasizes the importance of adopting it. I can assure you that the safety of Canadians is a top priority for the new federal government.

[English]

Honourable senators, the Government of Canada, of whatever political stripe, has, as its primary obligation — job number one, if you will — the protection of its citizens. Although it is only

natural that we all hope for the best, the government is duty-bound to be proactive, so that it is prepared for the unthinkable.

I therefore encourage all honourable senators to support the proposed emergency management act to ensure the safety and security of all Canadians — particularly since this bill is identical to that of the previous government. In that spirit of goodwill, I will refrain from urging honourable colleagues opposite not to flip flop and follow the example of their counterparts in the other place, but to support this bill, which is their bill.

• (1500)

[Translation]

Hon. Eymard G. Corbin: Honourable senators, I would like to ask Senator Meighen a question. Last year, we all witnessed an emergency situation during the evacuation of Canadian citizens from Lebanon because of an armed conflict and its consequences.

I understand that the act applies to Canadian territory; I did see the words "in Canada" in the bill. However, we do have a connection to our neighbour, the United States.

Given the enormity of the emergency situation that happened in Lebanon — it was unprecedented — and given the number of officials and departments involved in evacuating Canadian citizens holding Canadian passports, our Minister of Foreign Affairs, Mr. MacKay, made certain comments that led us to believe that we may not have been quite as prepared as we should have been to face the situation in that part of the Mediterranean region.

I understand that the bill does not aim to resolve emergency situations outside of Canada. However, I would like to be assured that the government, this new government, which is bringing forward new measures to help Canadian citizens, is in the process of developing, or perhaps has already completed, an emergency plan to deal with crisis situations concerning Canadian citizens abroad.

Senator Meighen: As Senator Corbin pointed out, this bill addresses situations in Canada, not abroad. The bill identifies the minister as the quarterback, if you will, in the event of a situation that could arise in the United States. If, for example, an earthquake strikes Seattle, the minister would be responsible for cooperating with his American counterpart.

As for the situation that arose last year in Lebanon, that was the responsibility of the Department of Foreign Affairs. With respect to any preparations or changes they have made to their system to deal with the situation, I must admit, I have no information on the matter. As a member of the Canada's new government, I am certain that Mr. MacKay is tackling the issue. If you like, I would be happy to find out whether measures have been implemented to better respond to such situations.

As a final point, I would like to add that, if my information is correct, the provinces that hosted those people from Lebanon and spent money to help them are currently being reimbursed by the federal government for those expenses.

[Senator Meighen]

[English]

Hon. Roméo Antonius Dallaire: Honourable senators, it is interesting that for national emergencies or crises we have a minister who will run the show or coordinate the efforts of so many others. As the honourable senator described, when an event occurs in the United States, Canada has someone at the helm to participate in bringing all that together. Does the honourable senator not find it ironic that the coordination of billions of dollars and the deployment of thousands of troops under significant risk is run by an assistant deputy minister and not by a minister who is the specifically designated coordinator of such a grand overseas effort?

Senator Meighen: Honourable senators, I am not sure that I understand the honourable Senator Dallaire's comment. It is my understanding that the Minister of National Defence, the Honourable Gordon O'Connor, is coordinating the effort overseas.

Senator Dallaire: Knowing Mr. O'Connor personally, I am sure that he would love to run the show, but he has no authority over CIDA and no authority over the Department of Foreign Affairs. The government appointed Mr. David Mulroney to the position of Associate Deputy Minister of Foreign Affairs, which is the equivalent of a two-star general, to run a \$1-billion operation in which Canadian lives are at risk. We should use that same principle to create an entity to run the show overseas with all these ministers fiddling in the pie.

Senator Meighen: I am sure that many two-star generals are up to the challenge. Perhaps I could raise the matter with the Minister of Foreign Affairs and International Trade in the context of the query that Senator Corbin put forward a moment ago.

[Translation]

Hon. Pierre De Bané: Honourable senators, I would like to continue in the same vein as Senator Corbin. A few minutes ago, we were talking about Lebanon. There are approximately 300,000 Canadians in Hong Kong and tens of thousands in Greece and many European countries. One of the defining features of the modern world is that we have truly become a global village.

Today, nearly two billion people around the world can afford to purchase a plane ticket. Not only are we living in a global village, but people are travelling more and more. It seems to me that this specialized agency for handling emergencies in Canada should also have a window on what could happen elsewhere in the world.

The study by the Standing Senate Committee on Foreign Affairs and International Trade revealed that, until the Department of National Defence had a presence in Cyprus and Lebanon, it was difficult for our diplomats and the small group of people who were in Beirut to mount an operation that repatriated 15,000 people. It was quite an undertaking.

I wonder whether the government could look at how the agency specializing in natural disasters in Canada might have a presence, a group of people in charge of putting the necessary measures in place in case another emergency should occur abroad and Canadians should again need help from their government.

Senator Meighen: I thank my colleague and old friend, the Honourable Senator De Bané, for his question. I accept his comments and will take them into consideration, as I said previously.

• (1510)

With the exception of the United States, what happens outside the country falls within the purview of the Department of Foreign Affairs and International Trade or the Department of National Defence.

That being said, I would like to draw the attention of my colleague to the fact that new procurement announced by the Department of National Defence — I am referring to aircraft, carriers, and so forth — would enable us to deal more effectively with these types of situations.

The means may exist, but is there an organization in place? I shall find out.

On motion of Senator Moore, debate adjourned.

[English]

ACCESS TO INFORMATION ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Lorna Milne moved second reading of Bill S-223, to amend the Access to Information Act.—(*Honourable Senator Milne*)

She said: Honourable senators, on December 13, 2006, I advised honourable senators that I would be introducing a Senate public bill amending the Access to Information Act, and now that bill, Bill S-223 is before you.

The intent is to provide sensible changes to Canada's new and badly flawed access to information regime. Bill S-223 has three clauses which provide the greater transparency and access for Canadians that Bill C-2, the much ballyhooed Federal Accountability Act, fails to provide.

The first element of this bill, clause 1, is designed to remove the blanket of perpetual secrecy which the Federal Accountability Act has thrown over audit working papers. Instead, clause 1 of this bill will permit audit working papers to be disclosed under the same circumstances as draft audit reports; in other words, after the final audit reports are published, or within two years after the audit commenced, whichever is earlier.

Clause 1 does not prevent government institutions from relying on all the other exemption provisions of the Access to Information Act, to maintain the confidentiality of any portion of final audit reports, draft reports or audit working papers, if disclosure would be injurious to one or more of the interests protected by the act. For example, confidentiality could be maintained to protect personal privacy, section 19; national security, section 15; trade secrets or commercial confidentiality, section 20; and audit plans, strategies and techniques, section 22.

Essentially, clause 1 of this bill means that requests for access to audit working papers will continue to be treated in the manner in which they have been treated during the almost 24 years since the Access to Information Act came into force on July 1, 1983.

Clause 1 will ensure that audit working papers are not kept secret automatically, possibly forever, regardless of their sensitivity. Rather, it will require government institutions to demonstrate that one or more of the interests protected by the Access to Information Act's existing 13 exemptions would be injured by disclosure.

As a result, clause 1 will enable the Information Commissioner, on receiving a complaint, to investigate the reasons for secrecy and to independently determine whether an injury to a protected interest would result from disclosure. This system, which had been working well for over two decades, was altered with the package of Bill C-2. Under Bill C-2, audit working papers, no matter how old or innocuous, must be kept secret. This is a change that has been publicly questioned by the Office of the Information Commissioner.

The Office of the Information Commissioner feels that the pre-Bill C-2 procedure already provided all the protection necessary for these documents, while ensuring a meaningful measure of transparency for the internal audit process in government. Now we have two decades of history to prove the case.

When we see what Bill C-2 has done here, making audit working papers of government institutions secret for at least 15 years through the use of a blanket exemption, it reminds me of the commitments made by this government during the late 2005 election campaign. In what is quickly becoming my favourite fictional document, entitled *Stand up for Canada*, this government made a number of commitments to changing the access to information regime in this country, if elected. It can be argued that the decision to make audit working papers of government institutions secret for at least 15 years violates the following claims made on pages 12 and 13 in *Stand up for Canada*.

They vowed: To give the Information Commissioner the power to order the release of information. Bill C-2 did not do that;

To expand the coverage of the act to all Crown corporations, Officers of Parliament, foundations and organizations that spend taxpayers' money or perform public functions, Bill C-2 did not do that;

To ensure that all exemptions from the disclosure of government information are justified only on the basis of the harm or injury that would result from disclosure, not blanket exemption rules, Bill C-2 did not do that;

To ensure that the disclosure requirements of the Access to Information Act cannot be circumvented by secrecy provisions in other federal acts, while respecting the confidentiality of national security and the privacy of personal information. Bill C-2 provides secrecy provisions so Access to Information Act requests can be circumvented.

How exactly is the Information Commissioner supposed to use his or her powers to order the release of information in the case of an audit working paper if these documents are out of reach for at

least 15 years through the use of a blanket exemption? In its election platform, this government promised Canadians that it would not use blanket exemptions.

What particular benefit does expanding the coverage of the Access to Information Act to Crown corporations and Officers of Parliament provide when you are actually reducing the power of the Information Commissioner that existed before the passage of Bill C-2 to review access to information requests regarding audit working papers?

To recap, this government, by taking this decision and keeping audit working papers of government institutions secret for at least 15 years through the use of a blanket exemption, violated four separate commitments that they made to Canadians during the last election. The Conservatives explicitly stated that they would "ensure that the disclosure requirements of the Access to Information Act cannot be circumvented by secrecy provisions in other federal acts," then they passed the Federal Accountability Act containing secrecy provisions circumventing the existing Access to Information Act.

• (1520)

The second clause in Bill S-223 would amend the Access to Information Act by adding a public interest override. This would authorize the head of a government institution to disclose information where it is clearly in the public interest to do so. During the review of Bill C-2 in the Standing Senate Committee on Legal and Constitutional Affairs, honourable senators studied the policies underlying the individual exemptions and disclosure restrictions set out in this new act. It was decided that a clause allowing disclosure of information, notwithstanding other sections where the disclosure is clearly in the public interest, would be an important statement of principle and a critical addition to the Access to Information Act. The amendment was carefully drafted and, indeed, further amended during third reading debate in this place to reflect comments received from the Office of the Information Commissioner.

This clause is particularly important given the numerous new blanket secrecy exemptions that the Federal Accountability Act provides for officers of Parliament and government institutions: blanket exemptions which, as I said before, this government promised Canadians they would not use. What does Canada's new government have to hide that it feels the need to mislead Canadians in this manner?

In any event, the Canadian Bar Association, the British Columbia Freedom of Information and Privacy Association and the Canadian Newspaper Association, among others, all urged your committee to amend the Access to Information Act sections of Bill C-2 to include a public interest override. This is nothing new. Similar clauses are found in provincial access to information laws, such as those found in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Prince Edward Island.

When the government rejected this amendment it said:

Amendment 119 would reverse the policy on which the Access to Information Act was based, which policy was not changed in the Bill as passed by this House.

The amendment would undermine the balance between discretionary and mandatory exemptions in the Access to Information Act by giving the heads of government institutions the discretion to override existing and proposed mandatory exemptions.

In addition, the amendment would give de facto order powers to the Information Commissioner, who, as a head of a proposed government institution to be brought under the Access to Information Act by this Bill, would be able to disclose records obtained from other government institutions.

How awful.

This position is far different from the one taken by this government when they were seeking a mandate to govern. In *Stand Up for Canada*, it notes a Conservative government will give the Information Commissioner the power to order the release of information and provide a general public interest override for all exemptions, so that the public interest is placed before the secrecy of the government.

So much for promises.

This document states, in black and white, that this government will provide a general public interest override for all exemptions, so that the public interest is put before the secrecy of the government. I am on my feet here today only because Bill C-2 has proven that this government has no intention of honouring this commitment. The government could have easily written this clause into Bill C-2 but it chose not to. This government could have easily accepted the amendment suggested by your committee to include a public interest override in the Federal Accountability Act, but chose not to. It is time that this government was accountable to its supporters, to fulfil some of the promises it so painstakingly laid out in *Stand Up for Canada*. In a small but important way, I believe that Bill S-223 will do that.

After passing only three housekeeping bills and a budget, this government, by passing Bill C-2 as written, and by deciding not to accept our amendments, and not to include a public interest override to the Access to Information Act, managed to violate six of its own election platform commitments. I suggest to this government its follow-up document to *Stand Up for Canada* be written in pencil so that Canadians at home will be able to write in all the flip-flops that Senator Meighen spoke about. Perhaps the government should come with an eraser and some whiteout just to be safe.

Honourable senators, the third and final clause to Bill S-223 is also simple. Under Bill C-2, the power was given to the Auditor General and the Commissioner of Official Languages to refuse to disclose any information that was obtained or collected during the course of an investigation, examination or audit conducted by them or under their authority. This power is permanent and the exemption has no time limit whatsoever. They can keep it secret forever.

There is no legitimate basis for giving these two officers of Parliament a broader zone of secrecy than other government institutions and officers of Parliament that also have investigative and audit functions. Why, for example, should the investigative role of the Auditor General or the Commissioner of Official

Languages be immune for all time from accountability through transparency when the RCMP remains subject to the Access to Information Act? Surely, this government is not of the opinion that the Commissioner of Official Languages deserves a greater zone of secrecy than even the RCMP.

It is my belief, honourable senators, that these officers of Parliament preside over investigative agencies that require some secrecy, but even these investigations at some point merit an inquiry and some transparency, as circumstances warrant. I do not think it prudent simply to allow the Commissioner of Official Languages and the Auditor General to conceal forever how their investigations are conducted. What could we possibly learn from those investigations if they are always kept secret?

I am not alone in that view. On September 20, 2006, the Information Commissioner's office testified before the Standing Senate Committee on Legal and Constitutional Affairs that officers of Parliament do not need a blanket of secrecy over their work when there are already injury-test-based exemptions in the statute. If officers can show a disclosure would be injurious to the conduct of their investigations and work, it is exempt from that disclosure.

The Canadian Bar Association has noted that

... while the underlying concerns about providing access are understandable, the choice of language pertaining to an "investigation, examination or audit" in a number of instances does not seem justifiable, especially in light of the lack of time limits on the exemption. One can understand the need to protect sources in an investigation to encourage full disclosure of information, but it will be in the public interest to obtain information as to how an audit or investigation was conducted, aspects unrelated to the impetus behind such exemptions.

Dr. Keyserlingk, the Public Service Integrity Officer, described the protection of information provided by this section as "excessive" when he appeared before your committee on September 25, 2006. He also contended that Bill C-2 "does not provide the Commissioner with any discretion to decide for reasons of transparency or public interest, to disclose information to the public after an investigation is completed."

His concerns were shared by the Registrar of Lobbyists. On October 4, 2006, Michael Nelson argued that information he created during a review could be used for education purposes. He commented that "If I do all these investigations and cannot tell anyone about them, then that defeats the purpose of the enforcement part" of his mandate.

The Supreme Court of Canada has also rendered an opinion on the applicability of injury tests. In 2002, the Supreme Court decision of *Lavigne v. Canada* involving the Commissioner of Official Languages said there must be a demonstration of injury to claim exemption from disclosure successfully through a Privacy Act request. Since the Privacy Act and the Access to Information Act are meant to complement each other, many observers believe the same judgment applies to Access to Information Act requests.

The Gomery Commission also supported the stance that records must be disclosed unless disclosure would be injurious to some other important and competing interest. Providing a

blanket exemption to the Commissioner of Official Languages and the Auditor General is not in keeping with the spirit of Justice Gomery's recommendation.

• (1530)

If we look to the recommendations listed in *Stand Up for Canada*, we see that a Conservative government made a number of commitments that are violated by the passage of this clause found in Bill C-2. For instance, until the Information Commissioner is given the power to order the release of information, this will truly be a blanket exemption for the Auditor General and the Commissioner of Official Languages.

In addition, *Stand Up for Canada* commits this government to expand the coverage of the Access to Information Act to all Crown corporations, officers of Parliament, foundations and organizations that spend taxpayers' money or perform public functions.

Honourable senators, what good is this expansion in the face of a blanket exemption — a blanket exemption this government committed itself to not using when the Conservatives were on the campaign trail in December of 2005 and January of 2006?

Honourable senators, I think the need for me to introduce Bill S-223 speaks volumes about this government's commitments. Blanket exemption rules occur throughout Bill C-2, and Bill S-223 will only be removing one of them. The Canadian Newspaper Association said it best during their appearance before the Standing Senate Committee on Legal and Constitutional Affairs on September 21, 2006. They noted:

The issue is whether we should have a balance and oversight. Should we have a balance of one set of rights against another? The role of the Information Commissioner is to determine whether an exemption meets an injury test to justify secrecy. We are saying that secrecy must be justified. There must be a balance. There is no balance when you have blanket exemptions and exclusions.

Honourable senators, Bill S-223 is a small bill. It is five pages long and contains only three clauses. However, what each of these clauses represents is a commitment or a set of commitments that was made by this government to the Canadian people that was not honoured in Bill C-2. This bill, if passed as I have outlined it here today, will commit this government to implement more of its election platform regarding the Access to Information Act than the Federal Accountability Act. I encourage honourable senators to take a long look at what I am proposing here today.

Rewriting the Access to Information Act so that audit working papers of government institutions will be subject to access to information requests as they were before Bill C-2 came into effect will be undoing the damage caused by Bill C-2. There was no reasonable justification provided during the debate on Bill C-2 to support making audit working papers of government institutions secret for at least 15 years. Bill S-223 will allow Canadians to regain the right to review audit working papers that was lost with the passage of Bill C-2.

Adding a public interest override to the Access to Information Act, which would authorize the head of a government institution to disclose information where it is in the clear public interest

to do so, is a commitment that this government clearly made to Canadians but has failed to act upon during its first 13 months in government. It is no longer Canada's "new government" but maybe Canada's "over-aged government."

Bill C-2 provided this government with the perfect opportunity to increase government transparency and it chose not to. In fact, it made information from some corners of our federal government harder to access through this use of blanket secrecy exemptions. Will we ever know what the Auditor General discovers when she investigates the response of the Passport Office to the new rules being set out by the United States? Not if the rules of Bill C-2 apply.

Honourable senators, we must ask ourselves why this government has decided that only two of its officers of Parliament are deserving of treatment that is totally unique from the rest of government. Why should these officers be afforded special conditions in the Access to Information Act when so many respected and experienced experts claim it is unnecessary?

As you can tell, honourable senators, I am more upset by the rights that Bill C-2 took away from Canadians than by the few positive things it did. In the interest of accountability and transparency and in the interest of all Canadians, I ask you to review and to support Bill S-223.

Hon. Terry Stratton (Acting Deputy Leader of the Government): I move adjournment of the debate.

The Hon. the Speaker pro tempore: Before I put the question on the adjournment of debate, does Senator Hays have a question?

Hon. Daniel Hays: Honourable senators, I congratulate Senator Milne on the bill to address matters that should have been addressed when Bill C-2 was before Parliament.

We have a new Information Commissioner, and of course he will appear before the committee when this bill receives approval in principle. Does my honourable friend have any preliminary comment based on things that he might have said in terms of his position on this particular legislation?

Senator Milne: Unfortunately, Senator Hays, I do not. I have not heard anything that our new Information Commissioner has said so far. I assume he is learning the ropes in his department. I do know that the report of the past Information Commissioner was the one around which the Conservative Party built its election platform. That is where all these original recommendations came from that were in their platform and that were not in Bill C-2.

[Translation]

Hon. Maria Chaput: Honourable senators, first I would like to congratulate Senator Milne for her remarks which, as usual, were well thought out and well presented.

I have a concern pertaining to the Commissioner of Official Languages, which I have already discussed with the honourable Senator. I would like to make two comments. To a certain extent,

I believe in transparency, I believe that we are all accountable and that we must answer to Canadians. However, I recall that the former Commissioner of Official Languages, Ms. Dyane Adam, was concerned about it. This week I spoke very briefly on the phone with the new Commissioner, Mr. Graham Fraser, who also expressed some concerns.

I would like to ask the honourable senator to ensure that, when this bill is sent to committee, Mr. Graham Fraser has the opportunity to fully explain his concerns about this bill.

[English]

Senator Milne: Senator Chaput can be absolutely sure that the committee will be delighted to invite Mr. Fraser, our new Commissioner of Official Languages, because of course he has an integral role to play in all of this.

I must assure all senators that every single witness we had before the committee the last time around said that adequate protections were already in the act and that information that would cause personal injury of any sort would never be released.

Hon. Pierre Claude Nolin: Do I understand that those three clauses were part of amendments introduced in respect of Bill C-2 and that they were defeated in the House of Commons?

Senator Milne: The honourable senator is entirely correct.

• (1540)

Senator Nolin: I thought there is a rule that a bill dealt with by Parliament cannot be reintroduced during the same session. I may be totally wrong, but has the honourable senator checked that?

Senator Milne: We have checked that, and this bill is worded in a different manner. However, it may well be worth looking into further. I had our Law Clerk draw this up for me, and I am quite certain that that aspect was taken very clearly into consideration.

Hon. Joan Fraser: In the honourable senator's remarks about the public interest override, I thought I heard her say that heads of departments, or some such phrase, would be able to disclose information if it were deemed to be in the public interest, even if otherwise it might not be disclosable.

In the Transport Committee's inquiry into the news media, we were also recommending that the public interest be a defence for other persons — journalists or whoever — who disclosed information; in other words, if the public interest in the disclosure of that information were to outweigh the public interest in keeping it secret. This arose, obviously, out of, among other things, the Juliet O'Neil case.

Perhaps the honourable senator can tell us whether her public interest disclosure requirements would apply to persons other than heads of departments, or did I misunderstand her?

Senator Milne: The override would apply, of course, only to heads of departments who were then in charge of everything that happened in that department. It would be within the department itself.

These public interest overrides are always subject to an injury test so that no one's personal information should ever be released. The Access to Information Act, as it was passed, though, removed that discretion — in some cases forever — that there will never be a public interest override in some instances.

On motion of Senator Stratton, debate adjourned.

[Translation]

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(*Honourable Senator Tkachuk*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, as was the case with Senator Spivak yesterday, Senator Chaput would like to speak to Bill C-288 and we agree that for today, Senator Chaput will not be considered the second speaker pursuant to rule 37(3) and that she will speak for a period of 15 minutes.

Hon. Maria Chaput: Honourable senators, I believe that all of us as human beings have a responsibility to rigorously defend the environment and encourage thought and action on this matter. It is based on this personal conviction that I am speaking today at second reading stage of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.

Last week, the House of Commons passed a Liberal Party motion to ensure that Canada meets its Kyoto Protocol obligations. This motion, introduced by Liberal MP Pablo Rodriguez, was passed in the House of Commons by 161 votes to 113. Parliament has voted and expressed its will.

This enactment is before us in the Senate, sponsored by our honourable colleague, Senator Grant Mitchell. I have decided to participate in the debate as a human being doing her part for the planet, as a Canadian, because we have to protect our country, and as a grandmother, because I want to leave my granddaughters a healthy environment and a promising future. To do so, we have to have a comprehensive plan, and we need it now.

This is a project to build a society without borders that we need to consider, and it is important that Canada be a leader, that it adopts the best possible practices in terms of environmental protection and sustainable development, and that it encourages other countries to do likewise.

Using the premise that the big picture is the Kyoto Protocol, I have tried to identify the stages that were already undertaken by the previous Liberal government and that led it to support Kyoto. I had to first understand the process, before I could explain it.

Honourable senators will surely agree that, for any initiative of that magnitude, it is critical that there be a political will from the outset. The previous Liberal government had that political will and, over the years, it took very significant measures to protect the environment. Here are a few examples.

In its 2006 annual report, the David Suzuki Foundation states:

One of the most significant measures taken by Canada was to amend the Auditor General Act in 1995, to create the position of Commissioner of the Environment and Sustainable Development.

That amendment to the act forced federal departments to develop a plan for sustainable development, and to table before Parliament a triennial report on their strategies in that regard.

That amendment also mandated the Commissioner of the Environment to monitor the plans of the various federal departments and submit an annual report to the House of Commons.

Also, during those years, cabinet directives were issued to order federal departments to take environmental issues into consideration when developing their strategies and programs.

Following these directives, from 1997 to 2006, plans were prepared and tabled by the departments.

Environment Canada then developed a national series of environmental indicators to measure perennial progress regarding the environment. There were 13 categories of indicators, and each one included several sub-indexes. It should be noted that these indicators were updated on a regular basis, and could be consulted on line. I hope it is still the case.

At that point, Canada had the political will, a number of plans from federal departments, and an initial series of performance indicators. I can say to you, honourable senators, that the previous Liberal government was on the right track. It is not fair to say it did nothing!

All good planning culminates in a series of laws. In Canada, a good part of the planning for environmental sustainability resulted in various laws on the environment.

All these environmental laws were very important because they provided the basis for establishing objectives, planning, monitoring and accountability with respect to sustainable development.

To complete its plan for sustainable development, the government then considered specific measures for certain priority sectors such as climate change, acid rain and smog, to name but a few. Canada adopted certain measures, including the establishment of sectoral objectives under existing legislation.

Thus, Canada was working towards an integrated strategy — with the federal and provincial governments and other partners — and this plan was going to put Canada on the right track.

Every federal department adopted its own strategy for sustainable development by establishing a list of measures. However, work related to achieving the objectives could not be completed without first establishing measurable targets under a master plan.

There was a measurable target — that provided by Kyoto. In 2002, the Liberal government decided to adopt the Kyoto Protocol. In 2005, the government had an initial comprehensive plan that included concrete measures to fight climate change. On February 16, 2005, it became an international leader in this area.

All efforts count for something, but both successes and failures have consequences. As indicated by the Commissioner of the Environment and Sustainable Development in her 2006 report:

Lastly, the federal government does not act alone. It has faced — and still faces — considerable challenges in bringing various players onside and in mobilizing concerted action.

The previous Liberal government established a foundation on which the government in power can build and it is important that it do so.

• (1550)

There are positive programs and practices already in place, which promise to produce good results. However, they must be recognized.

For example, some federal research projects and support to research networks have helped to gather knowledge on Canada's vulnerability to climate change in areas such as health, fisheries, forests, water resources, agriculture and coastal zones.

Important partnerships have also been established. Canada was at a historic juncture in its climate change file.

In her 2006 report, the Commissioner of the Environment indicated that a massive scale-up of efforts is needed. According to the Commissioner, "Each area is important, but the call for leadership applies to them all". Leadership must be bold and decisive, with clear direction to ensure that it is fully implemented.

Honourable senators, Canada has made commitments under the Kyoto Protocol. The federal government is ultimately responsible for entering into and respecting international agreements on climate change. Canadians must be able to rely on a government that will stay on course until lasting solutions can be found. The response will be very indicative of its commitment.

[English]

The previous Liberal government's plan laid the foundation for positive action to fight climate change in Canada, and we were on the path to meet our Kyoto commitments.

[Translation]

We were prepared to use our commitments under the Kyoto Protocol to incite businesses and governments to be more innovative. The plan was not perfect, but the foundation was there.

[English]

Upon coming into office, the Conservatives dismantled the plan. By any measure, a year has been wasted. The private member's bill gives the Conservative government 60 days to come up with their plan. We need to move quickly.

[Translation]

According to Mr. Suzuki, cleaning up the environment is just as possible and effective as cleaning up public finances. Governments simply need to act with as much determination towards the environment as they do towards public finances.

[English]

The Kyoto Accord was ratified in Canada in December of 2002. The agreement became an international agreement on February 16, 2005. That means the worldwide strategy for tackling climate change was in effect for just one year while the Liberals were in power. In truth, the Liberals have championed the cause of global environmental action, and many positive steps were taken in that regard.

[Translation]

It is hard for some to admit that the Liberal government had a good plan. It is easier to say that the plan is unrealistic and that Canada cannot meet its commitments. That is unfair and untrue.

Honourable senators, you all know that plans change constantly. The secret to successful planning is to want to achieve the targets, consult one's partners on a regular basis and constantly adjust the targets. This holds true for the Kyoto Protocol as well. Every plan has unknown elements that call for flexibility and an effort by all those involved. This is especially true of Kyoto. To succeed, we have to set ambitious targets. That is my philosophy. And that is Kyoto.

Lastly, government leadership is crucial to success. Obviously, I am not an expert in the field, but I believe that any program that can help us achieve the Kyoto targets is valuable and deserves to be studied, considered and included in the overall plan.

I would not want us to spend too much time playing politics when our planet's future and my grandchildren's future are at stake. We should not underestimate Canadians. I believe that they are ready for the measures the government will adopt to achieve the Kyoto targets.

[English]

The Hon. the Speaker pro tempore: Do honourable senators agree that this motion remains under the name of Senator Tkachuk?

Hon. Senators: Agreed.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Committee on Internal Economy, Budgets and Administration (Senate Estimates 2007-2008) presented in the Senate on February 28, 2007.—(Honourable Senator Furey)

Hon. Pierre Claude Nolin: Honourable senators, the committee has prepared a budget for 2007 and 2008 that amounts to \$87,030,000. This represents an increase of \$2,754,250, or \$3.27 per cent over the 2006 and 2007 Main Estimates of \$84,275,750.

The budget before honourable senators includes, in the committee's opinion, a realistic funding level needed to allow the Senate to meet its operational requirements for the coming year. The amount was arrived at after careful consideration of several funding proposals. A large portion of the total increase is for non-discretionary items such as annual increases in indemnities and salaries.

The budget also includes moderate increases in research and office expense budgets and in administration budgets to provide sufficient resources to meet workload increases.

Further details are available in the executive summary which honourable senators received yesterday. In order to allow us to pursue our valuable work, I ask honourable senators to support the adoption of this report. I am ready for any questions that honourable senators may have.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

BUDGET AND AUTHORITY TO ENGAGE SERVICES— STUDY ON IMPACT AND EFFECTS OF SOCIAL DETERMINANTS OF HEALTH— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Social Affairs, Science and Technology (*budget—study on population health—power to hire staff*), presented in the Senate earlier this day.—(Honourable Senator Eggleton)

Hon. Jim Munson: I move the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

BUDGET AND AUTHORITY TO ENGAGE SERVICES— STUDY ON CURRENT SOCIAL ISSUES OF LARGE CITIES—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Committee on Social Affairs, Science and Technology (*budget—study on cities—power to hire staff*), presented in the Senate on March 1, 2007.—(Honourable Senator Eggleton)

Hon. Jim Munson: I move the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1600)

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

PAPERS AND EVIDENCE OF SPECIAL SENATE COMMITTEE ON SENATE REFORM REFERRED TO COMMITTEE

Hon. Donald H. Oliver, pursuant to notice earlier this day, moved:

That the papers and evidence received and taken and the work accomplished by the Special Senate Committee on Senate Reform for the study of the subject matter of Bill S-4, An Act to amend the Constitution Act, 1867, during the First Session of the Thirty-ninth Parliament, be referred to the Standing Committee on Legal and Constitutional Affairs for its study on Bill S-4, An Act to amend the Constitution Act, 1867.

Motion agreed to.

[Translation]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Lise Bacon, pursuant to notice of February 28, 2007, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Transport and Communications be authorized to sit on Tuesday, March 13, 2007, and Wednesday, March 14, 2007, even though the Senate may then be adjourned for a period exceeding one week.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. David Tkachuk: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourn today, it do stand adjourned until Tuesday, March 20, 2007, at 2 p.m.

The Hon. the Speaker pro tempore: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

BUDGET SPEECH

ACCOMMODATION FOR SENATORS IN COMMONS GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I want to remind the Senate that the budget speech will be given in the other place on Monday, March 19, 2007 at 4:00 p.m.

As in the past, senators must take their seats in the section of the gallery reserved for the Senate in the House of Commons. Seating will be first come, first served. As space is limited, this is the only way we can ensure that those senators who wish to attend can do so. Unfortunately, guests of senators cannot be accommodated.

The Senate adjourned until Tuesday, March 20, 2007, at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Céline Hervieux-Payette, P.C.

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(March 1, 2007)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Minister of Justice and Attorney General of Canada
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate and Secretary of State (Seniors)
The Hon. Monte Solberg	Minister of Human Resources and Social Development
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue
The Hon. Vic Toews	President of the Treasury Board
The Hon. Rona Ambrose	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Western Economic Diversification
The Hon. Diane Finley	Minister of Citizenship and Immigration
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	Minister of the Environment
The Hon. Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services
The Hon. Peter Van Loan	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. Jay D. Hill	Secretary of State and Chief Government Whip
The Hon. Jason Kenney	Secretary of State (Multiculturalism and Canadian Identity)
The Hon. Gerry Ritz	Secretary of State (Small Business and Tourism)
The Hon. Helena Guergis	Secretary of State (Foreign Affairs and International Trade) (Sport)
The Hon. Christian Paradis	Secretary of State (Agriculture)

SENATORS OF CANADA

ACCORDING TO SENIORITY

(March 1, 2007)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Que.
Daniel Hays, P.C.	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./South Shore	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A. A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauson	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(March 1, 2007)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	Ind. New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel, P.C.	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./South Shore	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A. A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
(March 1, 2007)

ONTARIO—24

Senator	Designation	Post Office Address
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THE HONOURABLE

1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Gerald J. Comeau	Nova Scotia	Saulnierville
2 Donald H. Oliver	Nova Scotia	Halifax
3 Wilfred P. Moore	Stanhope St./South Shore	Chester
4 Jane Cordy	Nova Scotia	Dartmouth
5 Gerard A. Phalen	Nova Scotia	Glace Bay
6 Terry M. Mercer	Northend Halifax	Caribou River
7 James S. Cowan	Nova Scotia	Halifax
8		
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A. A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays, P.C.	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1		

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of March 1, 2007)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

Campbell,	* Hervieux-Payette (or Tardif),	Lovelace Nicholas,	Segal,
Dyck,	Hubley,	Peterson,	Sibbeston,
Gill,	* LeBreton (or Comeau),	St. Germain,	Watt.
Gustafson,			

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton (or Comeau), Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Biron,	Gustafson,	Mahovich,	Peterson,
Callbeck,	* Hervieux-Payette (or Tardif),	Mercer,	St. Germain,
Fairbairn,	* LeBreton (or Comeau),	Oliver,	Segal.

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton (or Comeau), Mahovich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	Goldstein,	* LeBreton (or Comeau),	Moore,
Biron,	Grafstein,	Massicotte,	Oliver,
Eyton,	Harb,	Meighen,	Ringuette.
Fitzpatrick,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette, *LeBreton (or Comeau), Massicotte, Meighen, Moore, Tkachuk.*

CONFLICT OF INTEREST FOR SENATORS**Chair: Honourable Senator Joyal****Deputy Chair: Honourable Senator Andreychuk****Honourable Senators:**

Andreychuk,	Carstairs,	Joyal,	Robichaud.
Angus,			

*Original Members as nominated by the Committee of Selection**Andreychuk, Angus, Carstairs, Joyal, Robichaud.***ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES****Chair: Honourable Senator Banks****Deputy Chair: Honourable Senator Cochrane****Honourable Senators:**

Adams,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Sibbeston,
Angus,	Kenny,	Milne,	Spivak,
Banks,	Lavigne,	Mitchell,	Tkachuk.
Cochrane,			

*Original Members as nominated by the Committee of Selection**Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne, *LeBreton (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.***FISHERIES AND OCEANS****Chair: Honourable Senator Rompkey****Deputy Chair: Honourable Senator Johnson****Honourable Senators:**

Adams,	Comeau,	Johnson,	Robichaud,
Baker,	Gill,	* LeBreton (or Comeau),	Rompkey,
Campbell,	* Hervieux-Payette (or Tardif),	Meighen,	Watt.
Cochrane,	Hubley,		

*Original Members as nominated by the Committee of Selection**Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson, *LeBreton (or Comeau), Meighen, Rompkey, Watt.*

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Chair: Honourable Senator Stollery

Deputy Chair: Honourable Senator

Honourable Senators:

Corbin,	Downe,	Mahovlich,	Smith,
Dawson,	* Hervieux-Payette (or Tardif),	Merchant,	Stollery.
De Bané,	* LeBreton (or Comeau),		

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Fraser

Honourable Senators:

Andreychuk,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Nancy Ruth,
Dallaire,	Jaffer,	Lovelace Nicholas,	Poy.
Fraser,	Kinsella,	Munson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pénin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Comeau,	Jaffer,	Massicotte,	Prud'homme,
Cook,	Kenny,	Nolin,	Robichaud,
Downe,	Kinsella,	Phalen,	Stollery,
Furey,	* LeBreton (or Comeau),	Poulin,	Stratton.

* Hervieux-Payette (or Tardif),

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays (or Fraser), Jaffer, Kenny, Keon,
LeBreton (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	Hays	* LeBreton (or Comeau),	Oliver,
Baker,	* Hervieux-Payette (or Tardif),	Milne,	Rivest,
Bryden,	Jaffer,	Nolin,	Stratton.
Fraser,	Joyal,		

*Original Members as nominated by the Committee of Selection**Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,***LeBreton (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.*

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator Trenholme Counsell

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

*Original Members agreed to by Motion of the Senate**Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.*

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

Biron,	Eggleton,	Mitchell,	Ringuette,
Cowan,	Fox,	Murray,	Rompkey,
Day,	* Hervieux-Payette (or Tardif),	Nancy Ruth,	Stratton.
Di Nino,	* LeBreton (or Comeau),		

*Original Members as nominated by the Committee of Selection**Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),***LeBreton (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.*

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator Atkins

Honourable Senators:

Atkins,	Day,	Kenny,	Moore,
Banks,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),	Zimmer.

Original Members as nominated by the Committee of Selection
Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
*LeBreton (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	* Hervieux-Payette (or Tardif),	Kenny,	* LeBreton (or Comeau),
Day,			

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Champagne,	Cowan,	* LeBreton (or Comeau),	Tardif,
Chaput,	* Hervieux-Payette (or Tardif),	Losier-Cool,	Trenholme Counsell.
Comeau,	Jaffer,	Murray,	

Original Members as nominated by the Committee of Selection
Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

Andreychuk, Bryden, Corbin, Cordy, Di Nino,	Fraser, Hays, * Hervieux-Payette (or Tardif), Joyal,	Keon, * LeBreton (or Comeau), Losier-Cool, McCoy,	Robichaud, Smith, Stratton, Tardif.
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Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Senator Eyton

Honourable Senators:

Biron, Bryden,	De Bané, Eyton,	Harb, Moore,	Nolin, St. Germain.
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Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cowan

Honourable Senators:

Bacon, Carstairs, Champagne,	Cowan, Fairbairn, Hays,	* Hervieux-Payette (or Tardif), * LeBreton (or Comeau), Oliver,	Stratton, Tkachuk.
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Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
*Hays (or Fraser), *LeBreton (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Callbeck,	Cordy,	Keon,	Nancy Ruth,
Champagne,	Eggleton,	* LeBreton (or Comeau),	Pépin,
Cochrane,	Fairbairn,	Munson,	Trenholme Counsell.
Cook,	* Hervieux-Payette (or Tardif),		

Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrestall,
*Hays (or Fraser), Keon, Kirby, *LeBreton (or Comeau), Pépin, Trenholme Counsell.*

CITIES

(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Eggleton

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Champagne	Eggleton,	* LeBreton (or Comeau),	Nancy Ruth,
Cordy,	Hervieux-Payette (or Tardif),	Munson,	Trenholme Counsell.

POPULATION HEALTH

(Subcommittee of Social Affairs, Science and Technology Committee)

Chair: Honourable Senator Keon

Deputy Chair: Honourable Senator Pépin

Honourable Senators:

Callbeck,	Cook,	* Hervieux-Payette (or Tardif),	* LeBreton (or Comeau),
Cochrane,	Fairbairn,	Keon,	Pépin.

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Adams,	Eyton,	Mercer,	Phalen,
Bacon,	* Hervieux-Payette (or Tardif),	Merchant,	Tkachuk,
Carney,	Johnson,	Munson,	Zimmer.
Dawson,	* LeBreton (or Comeau)		

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

SPECIAL SENATE COMMITTEE ON AGING**Chair: Honourable Senator Carstairs****Deputy Chair: Honourable Senator Keon****Honourable Senators:**

Carstairs, Chaput,	Cordy, * Hervieux-Payette (or Tardif),	Keon, * LeBreton (or Comeau),	Mercer, Murray,
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Original Members as nominated by the Committee of Selection*Carstairs, Chaput, Cordy, *Hays (or Fraser), Johnson, Keon, *LeBreton (or Comeau), Mercer, Murray.*

SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT**Chair: Honourable Senator Smith****Deputy Chair: Honourable Senator Nolin****Honourable Senators:**

Andreychuk, Day, Fairbairn,	Fraser, * Hervieux-Payette (or Tardif), Jaffer,	Joyal, Kinsella, * LeBreton (or Comeau),	Nolin, Smith.
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Original Members as nominated by the Committee of Selection*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal,
Kinsella, *LeBreton (or Comeau), Nolin, Smith.*

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, March 1, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 + observations 2 at 3rd	07/02/15		
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30	07/02/20	(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
				(bill 07/02/20 Legal and Constitutional Affairs)					
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-288	An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol	07/02/15							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources	07/02/14	0			
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17	07/02/20	National Finance					
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							
S-223	An Act to amend the Access to Information Act (Sen. Milne)	07/02/15							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07	07/02/21*	

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CANADA

Debates of the Senate

1st SESSION

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39th PARLIAMENT

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OFFICIAL REPORT
(HANSARD)

Tuesday, March 20, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, March 20, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE SENATE

QUESTION PERIOD—RULE 24 OF THE RULES OF THE SENATE

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, during Senate Question Period on March 1, which I missed because of a health appointment, several honourable senators posed questions on a variety of subjects and directed them to the Deputy Leader of the Government asking that these questions be taken as notice.

I would like to point out to all honourable senators that the *Rules of the Senate* concerning Question Period, section 24, do not provide for the Deputy Leader of the Government to take questions on behalf of government during Senate Question Period or to take them as notice. Section 24 states that questions may be put to the Leader of the Government, to ministers of the Crown on matters pertaining to their ministerial responsibilities and to chairs of committees if the questions relate to the activities of the committee. Section 24 allows these questions to be taken as notice if the honourable senator is unable to provide the answer immediately.

I would therefore invite those honourable senators who directed questions to the Deputy Leader of the Government on March 1 to pose these questions to me, if it is their wish.

[Translation]

INTERNATIONAL FRANCOPHONIE DAY

Hon. Rose-Marie Losier-Cool: Honourable senators, today I would like to highlight International Francophonie Day. We have good reason to celebrate, because last week's newspapers reported that there are now more than 200 million francophones worldwide.

Two thirds of francophones live outside France. One third of Canadians, 11 million of us, are francophone, at least partly. In Africa, where the number of francophones has been growing most steadily and significantly, there are over 75 million francophones, most of them in Congo, Algeria, Ivory Coast, Morocco, Cameroon and Tunisia.

However, not everything is looking up for la Francophonie because its status in the world is facing the growing threat of English, and especially American, linguistic and cultural supremacy. Moreover, the quality of the French language is in danger, even in France, its birthplace, where English words are turning up more and more in conversations.

And what about major institutions and international events, where French sometimes has a very hard time being heard? Consider the Olympic Games, where French has been relegated to the sidelines despite being one of the Games' three official languages.

There are a number of ways to stimulate la Francophonie, preserve the French language and protect francophone culture. In January 2005, Abdou Diouf, Secretary General of the International Organization of La Francophonie, the OIF, expressed his wish for la Francophonie to start standing up for its language, especially by creating alliances with other international bodies.

It is also reassuring to see that more and more people around the world are learning French: almost 120 million, according to the latest estimates. The OIF will closely and scientifically monitor the progress of Francophones around the world.

Furthermore, I am pleased to note that during the Bucharest summit last fall, OIF member states committed to using French, not English, wherever their national languages were not in use in large international organizations.

I would also note that francophone immigration would be an excellent way to protect and strengthen the Canadian Francophonie. This makes sense because the 2006 Canadian census showed that our population growth relies heavily on immigration.

Opening our doors to francophones in order to support our francophone communities in Canada, I believe, is the best way to reinforce the theme of International Francophonie Day, "Live together—different".

L'ÉCOLE DES HAUTES ÉTUDES COMMERCIALES

ONE HUNDREDTH ANNIVERSARY

Hon. Jean-Claude Rivest: Honourable senators, I would like to draw the attention of the Senate to the 100th anniversary of a very important Quebec institution, the École des hautes études commerciales. This Université de Montréal faculty of business, which is 100 years old this year, has greatly contributed to the social and economic success of Quebec. Graduates of the École des hautes études commerciales were, without doubt, the basis of the birth of modern Quebec, in the 1960s and 1970s, just as they are today. Thanks to the excellence of the teaching body and the students who attend the school, Quebec businesses are able to adjust to the new economic reality.

The entire Quebec community and all Canadians are proud and delighted to celebrate this important anniversary of such a fine university institution, namely, the École des hautes études commerciales.

• (1410)

I would add that, despite the innumerable merits of yesterday's federal budget, university institutions such as the École des hautes études commerciales will be disappointed by the relatively small amount of money allocated to post-secondary education. The Senate, like all Canadians, would have liked the government to show much greater support for university education, because the future of Canada, Quebec and everywhere else in Canada depends on the quality of education given to the next generation of workers. Much greater investment in post-secondary education than was announced yesterday would be an excellent way for the Government of Canada to mark the 100th anniversary of the École des hautes études commerciales.

INTERNATIONAL FRANCOPHONIE DAY

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, like my colleague from New Brunswick, I speak today in recognition of International Francophonie Day. This day was created in 1988 by member countries of the Organisation internationale de la Francophonie, as a means for these countries to celebrate their common bond — the French language.

Although Francophonie Day is March 20, all manner of activities are organized across Canada for the duration of Francophonie Week. From March 9 to 25, some 9 million Canadian francophones and francophiles are gathering across the country to celebrate the French language and culture. In Alberta, for example — whether in Calgary, Lethbridge, Fort McMurray, Legal, Edmonton or Bonnyville — the Franco-Albertan community will celebrate its pride, history, language, vitality and contribution to Albertan society by organizing various activities.

In recent years, the Speaker of Alberta's Legislative Assembly, the Hon. Ken Kowalski, has taken part in the festivities by organizing a ceremony to recognize the contribution of francophones to Alberta's history and society. Mr. Kowalski uses these occasions to throw out challenges to the Franco-Albertan community, such as building a monument or writing a book about the contribution of francophones to Alberta politics. Our community has always enthusiastically taken up these challenges.

Honourable senators, French is an official language in 33 countries on five continents and it is one of the official languages of a dozen international organizations. It is a language spoken by almost 250 million people worldwide.

Honourable senators, international Francophonie Day is an excellent opportunity to show the solidarity, dynamism and vitality of the Canadian Francophonie and to celebrate one of the official languages of our country and one of the world's great international languages.

[English]

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

Hon. Jim Munson: Honourable senators, I rise today to read into the record a first-hand account of what the Conservative cuts

to Income Trusts in the latest budget have done to Canadian seniors. The following is from an email sent to me by Peter Folkes from Toronto. He writes — and I quote:

First you steal our retirement savings falsely claiming tax leakage. Then you cut funding to our grandson's daycare causing my son's daycare expense to rise to \$1200 a month and you compensate by sending him \$100 a month. Now you add a dollar a day. Do the math you dummy. Please stop trying to help us, you are killing us.

My wife and I are trying to figure out how and where we can retire, to now that you have destroyed \$130,000 of our savings, not to mention the income trust monthly income that we were to depend on.

Like over 70 per cent of Canadian seniors, we do not have plush defined benefit pensions like the privileged class does; you belong to that class. That is why you steal our money, raise our taxes, and give further breaks to the privileged class.

Mr. Folkes goes on to write:

You have been betrayers, liars, and thieves. The Liberals had their faults but they never stooped this low. This family is ruined by your budget.

The letter is signed by Mr. Peter Folkes of Toronto.

• (1415)

BUDGET, 2007

ESTABLISHMENT OF CANADIAN MENTAL HEALTH COMMISSION

Hon. Art Eggleton: Honourable senators, it would be easy to stand up and be critical of yesterday's budget, but I want to talk about something that was good in the budget. It is something that reflects well upon the work of this Senate. That is the decision announced by the Minister of Finance yesterday to establish the Canadian mental health commission to deal with mental illness, something that strikes one in five Canadians. Mental illness not only affects people on an individual basis, but friends, families and colleagues.

The commission will be established with some \$10 million over the next two years, and \$15 million a year starting in 2009-2010. Yesterday, the minister also announced that our former colleague and Chair of the Social Affairs Committee at the time, Senator Michael Kirby, would become the chair of the Canadian mental health commission.

As the current chair of that committee, I want to extend congratulations to Senator Kirby, and also to Senator Keon, the deputy chair of the committee, as well as all those who have served on the committee and were part of preparing the report, *Out of the Shadows at Last*, which was specifically referenced as the basis for the decision by the government yesterday. That is good work by the Standing Senate Committee on Social Affairs, Science and Technology and good work by the Senate.

[Senator Rivest]

THE LATE DORIS H. ANDERSON, O.C.

• (1420)

Hon. Catherine S. Callbeck: Honourable senators, today I rise to pay tribute to the life and legacy of one of Canada's most outstanding citizens, Doris Anderson. She died in Toronto on March 2 at the age of 85.

Doris Anderson was a journalist, author and women's rights advocate. As a former editor of *Chatelaine* magazine, she was a trailblazer for a range of issues, including the problems facing working mothers, pay equity, family violence and increased representation of women in public life.

She later served as Chair of the Canadian Advisory Council on the Status of Women. Her passionate commitment to equality rights was one of the contributing factors that resulted in having them entrenched into the Canadian Charter of Rights and Freedoms. All Canadians owe her an immense debt of gratitude because of her groundbreaking advocacy for social change.

Doris Anderson was a leader, a mentor and a friend to so many people from across this country who shared her commitment to justice and equality. As June Callwood once said,

Doris had a better agenda of where she wanted to take women in the country than anybody I knew.

Throughout her long and illustrious career, she was widely recognized and respected for her outstanding contributions to the public life of this country. She received a number of honorary degrees and in 1975 was inducted into the Order of Canada. Between 1992 and 1996, she served as Chancellor of the University of Prince Edward Island. In fact, she spent most of her summer holidays at her summer home on the Island.

In her later years, her unwavering commitment to the advancement of women was reflected in her advocacy for proportional representation. Through her participation in the organization, Equal Voice, she was a strong advocate for increasing the number of women in politics. In her autobiography, *Rebel Daughter*, she wrote:

What I wanted more than anything else was to be able to look after myself and make sure that every other woman in the world could do the same.

I saw Doris a few weeks before she died and was struck by her continued keen interest and perceptive insights on the challenges and opportunities we face as a nation and as citizens of the world. Although her distinctive voice is now silent, her legacy will continue to inspire all those who continue to believe that the world can be a better place for all people.

Honourable senators, I ask you to join with me in extending our sincerest respect and sympathy to the family, many friends and colleagues of one of the country's most distinguished citizens, the late Doris Anderson.

CANADIAN JEWISH CONGRESS

EIGHTY-EIGHTH ANNIVERSARY

Hon. Yoine Goldstein: Honourable senators, last weekend marked the eighty-eighth anniversary of the establishment of the Canadian Jewish Congress. Its original founding convention was held from March 16-19, 1919. It was attended by 209 delegates and some 2,500 spectators. I have a particular affinity to that founding convention because my wife's maternal grandfather was one of those delegates.

Canadian Jewish Congress is considered by the Jewish community to be the parliament of the Canadian Jewish people. Democratically elected with representation throughout Canada and headquartered here in Ottawa, Canadian Jewish Congress works to foster a Canada where Jews, as an essential part of the multicultural fabric of this country, live in and contribute to an environment of opportunity, mutual respect and tolerance.

The mandate of Canadian Jewish Congress includes the proactive defence of the security, status and rights of the Jewish community, seeking the support of governments on a wide range of policy issues identified as having human rights significance and the promotion of the values of the Charter of Rights and Freedoms and human rights here and abroad.

The congress advocates on behalf of Canadian Jewry to advance these objectives in cooperation and collaboration with other like-minded, not-for-profit and representative organizations. Much of the work of the congress is carried on through the Canadian Jewish Congress Charities Committee, a separate charitable trust that supports a stronger Canadian society through activities involving fighting against anti-Semitism and all other forms of racism through education programs of inter-faith and cross-cultural relations.

Honourable senators, please join me in congratulating this historic Canadian democratic institution on the occasion of its eighty-eighth anniversary.

VISITORS IN THE GALLERY

The Hon. the Speaker: I draw the attention of honourable senators to the presence in the gallery of The Honourable Chaudhry Amir Hussain, Speaker of the National Assembly of the Islamic Republic of Pakistan, and a parliamentary delegation from Pakistan.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

[Translation]

• (1425)

ROUTINE PROCEEDINGS

BUDGET, 2007

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, Budget 2007: *A Stronger, Safer, Better Canada*.

AGREEMENT BETWEEN TASK FORCE AFGHANISTAN AND THE AFGHAN INDEPENDENT HUMAN RIGHTS COMMISSION

LETTERS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, letters formalizing arrangements between Joint Task Force Afghanistan and the Afghanistan Independent Human Rights Commission to notify the commission when prisoners are transferred from Joint Task Force Afghanistan to Afghan authorities.

STUDY ON INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

REPORT OF ABORIGINAL PEOPLES COMMITTEE TABLED

Hon. Gerry St. Germain: Honourable senators, I have the honour to table the sixth report of the Standing Senate Committee on Aboriginal Peoples on the involvement of Aboriginal communities and businesses in economic development activities in Canada.

On motion of Senator St. Germain, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the eighth report of the Standing Senate Committee on National Security and Defence, an interim report entitled, *Canadian Security Guide Book: An Update of Security Problems in Search of Solutions*.

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SCRUTINY OF REGULATIONS

FIFTH REPORT OF JOINT COMMITTEE TABLED

Hon. J. Trevor Eyton: Honourable senators, I have the honour to table, in both official languages, the fifth report of the Standing Joint Committee on the Scrutiny of Regulations, concerning broadcasting, licence fees and regulations.

On motion of Senator Eyton report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

CANADA PENSION PLAN OLD AGE SECURITY ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[English]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

PACIFIC NORTHWEST ECONOMIC REGION 2006 ECONOMIC LEADERSHIP FORUM. NOVEMBER 16-18, 2006—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian Parliamentary Delegation to the Canada-U.S. Inter-Parliamentary Group respecting its participation at the Pacific Northwest Economic Region (PNWER) 2006 Economic Leadership Forum, held in Whistler, British Columbia, from November 16 to 18, 2006.

[Translation]

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF CONTAINERIZED FREIGHT TRAFFIC

Hon. Lise Bacon: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, May 11, 2006, the Standing Senate Committee on Transport and Communications, which was authorized to examine and report on containerized freight traffic in

Canada's ports, be empowered to extend the date of presenting its final report from March 31, 2007, to October 31, 2007.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That, notwithstanding the Order of the Senate adopted on September 27, 2006, the date for the presentation of the final report by the Standing Senate Committee on Energy, the Environment and Natural Resources on the review of the Canadian Environmental Protection Act (1999, c.33), pursuant to section 343(1) of the said Act, be extended from March 31, 2007 to October 31, 2007.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY RECENT REPORTS AND ACTION PLAN CONCERNING DRINKING WATER IN FIRST NATIONS' COMMUNITIES

Hon. Gerry St. Germain: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)(q), be authorized to examine and report on recent work completed in relation to drinking water in First Nations communities, notably: the November 2006 *Report of the Expert Panel on Safe Drinking Water for First Nations*; the 2005 Report of the Commissioner of the Environment and Sustainable Development on *Drinking Water in First Nations Communities*; and the Department of Indian Affairs and Northern Development's Plan of Action to address drinking water concerns in First Nations communities.

That the committee submit its report on this matter to the Senate no later than June 15, 2007.

• (1430)

QUESTION PERIOD

BUDGET, 2007

OMITTED INITIATIVES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, what a difference a Liberal government makes. That is the lesson Canadians learned from yesterday's

budget. After almost a decade of Conservative governments in the 1980s, Brian Mulroney left his successor with a \$42-billion deficit to deal with. That was the Conservative legacy.

Yesterday's budget was built on the Chrétien-Martin legacy of 12 years of Liberal stewardship. That legacy included government finances that were so healthy and so well managed that Mr. Harper, after handing out countless billions of dollars to anyone and everyone — except, of course, to those who most need it — still could not spend everything that was left to him by the Liberals. After announcing more than \$10 billion in new spending this year, there will still be a surplus. That is the difference a Liberal government makes.

My question for the Leader of the Government in the Senate is this: Why did her government chose to do so little when it had the means to do so much? Why did her government fail to bring in meaningful tax cuts, fail to support post-secondary education, fail to support research and innovation, and fail to create a single daycare space?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for her question. In point of fact, the largest deficit ever left by a government in this country was left by Pierre Elliot Trudeau to the Mulroney government in 1984. When we took over government, the deficit as a percentage of GDP was 8.9 per cent, and we got it down to 4.6 percent. As a result of the recession in the early nineties, the deficit as a percentage of GDP went back up to 5.2 or 5.3 percent.

Honourable senators, the first budget of Mr. Chrétien's government — I urge honourable senators to go back and check the record — was an unmitigated disaster. The 1995 budget of Mr. Martin, which made serious cuts in many programs, was a mere image copy of the budget that Mr. Mazankowski had presented in the spring of 1993. The fact is that the gains that were made in the Chrétien-Martin years were directly related to tax reform, revenues from GST, creative accounting on the part of the then government and, of course, the revenues brought into this country as a result of free trade.

If honourable senators will allow me, I shall present a short synopsis of the budget by the numbers. First, \$39 billion of funds will be dedicated over seven years to restore fiscal balance. Ninety per cent of Canadian families will benefit from the new \$2,000 child tax credit; 180,000 taxpayers will be removed from the tax rolls as a result of this tax credit. There are 20 initiatives in the budget to preserve and protect the environment. There will be a 40 per cent increase in annual post-secondary funding to provinces and territories by 2008-09. As well, honourable senators, 1.2 million low-income Canadians will benefit from the working income tax benefit. The RCMP will receive \$6 million additional dollars to protect children from sexual exploitation and trafficking. New funds in the amount of \$64 million will be used to implement a national anti-drug strategy. There will be a 50 per cent increase in the number of environmental officers being hired. Honourable senators, \$16 billion of new funding will be directed at infrastructure. Finally, honourable senators, \$300 million will be set aside for an immunization program to protect women and girls against cancer of the cervix.

• (1435)

EXPENDITURE INCREASE—
PROJECTIONS ON STAFFING EXPENSES

Hon. Grant Mitchell: Honourable senators, I can see why the Leader of the Government in the Senate is sensitive about Mulroney-era deficits, as there is such a strong connection between the runaway deficits of that era and those of the Harris era, and senior members of this Harper government, including Senator LeBreton, Minister Flaherty, and even Mr. Harper, particularly now that he relies so heavily upon Mulroney-era advisers.

Consistent with this connection is the spectre of a budget that has gone from \$205 billion in projected expenditures in this document to \$233 billion this year. That increase is \$28 billion. It is a 14-per-cent increase in expenditure in one single year.

If we keep that up, Mulroney-sized deficits are only months and a slight downturn away. It makes people wonder whether the neo-cons have deficits in their DNA. Why is the government spinning this expenditure as a 5-per-cent increase when it is a 14-per-cent increase?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. I assume he is talking about former Prime Minister Brian Mulroney, who was only last year voted the greenest prime minister in the history of Canada. Today is his sixty-eighth birthday.

With regard to the rate of spending, from 2005-06 when our government came into office, to 2008-09, spending growth will average about 4 per cent, almost a full percentage point below the projected rate of economic growth in that period. This rate is well below the total program spending of the previous Liberal government, which grew by an average of 8 per cent annually in 2004-05. Growth and spending under the Liberals increased by 14 per cent. Of course, I remind the honourable senator that the Liberals had three budgets in one year, in 2005.

This morning on CTV, Minister Flaherty said that the budget implements our Advantage Canada economic plan to hold spending to the rate of growth of the economy. I think by the reaction of the general public, the various groups that benefited and the provinces, Minister Flaherty is well on track to keeping these projections.

Senator Mitchell: Honourable senators, we all know one Prime Minister who will not be voted the greenest prime minister in the history of this country and he is sitting on that side of the Parliament right now — Mr. Harper.

Why would Prime Minister Mr. Harper promise that he would not allow expenditure increases in his government to advance ahead of GDP growth? Even if one projects increases of 5 per cent — which is really low — it is still ahead of the GDP growth, which the leader has predicted optimistically to be 4 per cent. How will the government make this a balanced budget?

Senator LeBreton: I thank the honourable senator for that question. If he goes back 20 years and reads the comments that were made by the environmental lobby and others, he will

see that Mr. Mulroney was attacked vigorously, as was his environment minister, now the Premier of Quebec, Jean Charest. I have every confidence that in the fullness of time, the present Prime Minister will receive the same accolades that Prime Minister Mulroney received.

In terms of the question, Minister Flaherty and the government have reiterated many times that we are on track to spend at about 1 percentage point below the rate of growth.

Senator Mitchell: Honourable senators, so much spin surrounds this budget, and we see more today, that we think the Minister of Finance should have bought figure skates instead of hockey skates.

• (1440)

This morning, in our Finance Committee hearing with Minister Toews, it came out that the government has no figures on staffing growth projections in the public service associated with this budget, next year's budget or any budget in the future. How can this government avoid deficits when it does not have any grip at all on one of the most significant areas of government expenditure, namely, staffing expenses?

Senator LeBreton: Honourable senators, I am not aware of Minister Toews' testimony before the committee this morning, so I will take the question as notice.

CREATION OF CHILD CARE SPACES

Hon. Jim Munson: Honourable senators, my question is to the Leader of the Government in the Senate. She talked about \$400 for a pair of hockey skates, and the Minister of Finance had only \$100 for child care spaces a month. I cannot believe that.

The Conservatives yesterday tried to say that this budget had something for everyone, but what worries me about the budget is that it fails, again, to deal with the child care crisis in this country. We lag behind other countries in creating child care spaces. Our children are being left behind.

Senator Tkachuk: You did nothing in three Throne Speeches.

Senator Munson: Are you done yet?

Senator Tkachuk: Yes.

Senator Munson: Thank you, Senator Tkachuk.

First, this government wanted to rely on business to create child care spaces, and then it offered Canadian families a paltry taxable \$100 to pay for increasingly rare child care spaces. Now, the government is giving \$250 million to the provinces to solve this worrying situation. That amount is a big shortfall to the \$1 billion that the previous Liberal government promised Canadian families.

Can the Leader of the Government explain why Canada's children are being shortchanged?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for the question. He talks about skates. I have no idea

what hockey skates cost these days. I know they are expensive because 40 years ago when I was buying my son hockey skates, they were about \$80, so if you consider the cost of items now, the cost of hockey skates is not surprising, especially since hockey has gotten so much more competitive.

In terms of child care, as I have said in this place many times, child care needs vary vastly around the country. There is not one cookie cutter plan that fits all Canadians' needs.

In last year's budget, we introduced the Universal Child Care Benefit. Since July 2006, we have enhanced choice for 1.4 million parents of 1.9 million children by providing \$100 a month for each child under the age of six through the Universal Child Care Benefit. In Budget 2007, we committed \$250 million per year, as Senator Munson stated, to the provinces and territories to support the creation of flexible child care spaces, beginning in 2007-08. In addition to that money, the budget provides a 25-per-cent investment tax credit to encourage businesses to create new licensed child care spaces. The investment tax credit will support the efforts of businesses to create additional spaces by providing up to \$10,000 in assistance for each child care space created.

Senator Munson: Honourable senators, can the Leader of the Government tell me one business that created a child care space last year? What would the new government would say about that? Also, can she tell me whether a single mother on welfare with two children can afford a pair of skates at \$400?

Senator LeBreton: Honourable senators, I am certain that a single mother would have difficulty, obviously, but one of the provisions of the budget is directed to that single mother who is living on welfare, and to the working poor. We have provided what Minister Flaherty calls the Working Income Tax Benefit, WITB, whereby people who desire to get off welfare and start working are not penalized because they give up so many of the social services to which they were be entitled normally if they were still living on welfare.

• (1445)

I believe this will help people move into the labour force where, as we know, there are a great number of shortages.

Hon. Terry M. Mercer: The Leader of the Government in the Senate might be wise to consult with her colleague Senator Gustafson, who has been travelling with the Standing Senate Committee on Agriculture and Forestry as they study rural poverty.

At every stop along the road, I asked the same question, and that is with respect to the effect of last year's announced \$100 a month for child care. Honourable senators, with one exception, in every community we visited, and we visited eight provinces, the universal child care program has been condemned by the people in rural Canada.

They also said that one of the biggest impediments to fighting poverty in rural Canada is the lack of child care spaces. I do not see how this budget or the government's previous budget will create one single child care space in rural Canada for rural Canadians who are suffering the most at the present time.

Senator LeBreton: Honourable senators, I thank the senator for that question. I have been following the deliberations of the Standing Senate Committee on Agriculture and Forestry during its travels through Canada. There is no question there are, certainly in the agriculture community, people who are experiencing a great deal of difficulty.

One of the problems with a universal child care program is that it often does not reach down to the rural communities. In fact, one of the major criticisms of the program is that in smaller and rural centres, an organized daycare facility was not something that was considered, nor would it necessarily be successful. That is why in different parts of the country there are different needs and different groups that will provide child care services.

Certainly one of the things we found in rural communities when we consulted with individuals on this issue is that they oftentimes rely on neighbours or family to assist them in their child care needs. In that regard, we were given very clear indications that the \$100 per month per child below the age of six was very helpful towards being able to provide adequate child care while they went out to look for and find work in the labour force.

Hon. Marilyn Trenholme Counsell: I have a supplementary question on child care for the Leader of the Government in the Senate. Honourable senators, as you know, this is a very important topic to me and to millions of other Canadians. I am certain this topic is important to many senators as well.

There were signed agreements on the table in 2005, but we are without any firm agreements or negotiations in 2007. We were looking at between \$1 billion and \$1.2 billion in 2005, compared to only \$250 million in 2007. Furthermore, it is not the same thing because there are no standards and no vision for child care spaces.

Would the Leader of the Government agree that, in effect, this represents the single largest cut in the 2007 Budget, a cut from \$1.2 billion to \$250 million? Have Canada's children suffered the single largest cut in the 2007 Budget?

• (1450)

Senator LeBreton: Honourable senators, I thank the senator for her question. I, of course, would not agree with the honourable senator's suggestion. As I have said on many occasions, when our government took office a little more than a year ago, we indicated that we were going to pursue a different program with regard to child care, recognizing that, as I said earlier, there is no one-size-fits-all approach.

The Minister of Finance and the government have finally addressed the issue of fiscal balance with the provinces. As a result, we will not be fighting over programs that the provinces deliver better than the federal government. The \$250 million announced in yesterday's budget will go a long way in assisting that program. I have no reason to believe that the government's programs will not assist working families greatly. Given the tax credits, the child care benefit and the money transferred to the provinces, parents will be able to access adequate child care spaces.

While I am on my feet, I should like to say to Senator Trenholme Counsell that I am delighted that she will no longer have to ask me questions about the mental health commission, which will be headed up by our former colleague Senator Kirby.

SPENDING ON ABORIGINAL PEOPLES

Hon. Lorna Milne: Honourable senators, following yesterday's budget, *CTV News* reported that new spending committed this fiscal year for Aboriginal Canadians totals only \$21 million — this in an era where housing on more than 600 reserves has been described as increasingly decrepit by the Auditor General.

The Kelowna accord, an historic achievement of goodwill among all orders of government and Canada's Aboriginal peoples, was to earmark \$5 billion for Aboriginal housing, infrastructure, health and education. This spending not only would have enhanced our national social safety net, but also was an important step in providing Aboriginal Canadians with greater economic tools for success. Surely, the Leader of the Government in the Senate can tell honourable senators that this \$21 million in new spending for the year 2007-2008, just a pittance, was not what the Minister of Finance meant in Budget 2006 when he committed to consulting with Aboriginal leaders and other governments to develop a new approach to meet the targets that were already agreed upon at the 2005 Meeting of First Ministers and National Aboriginal Leaders.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the senator for that question. I think it has been very well established that the so-called Kelowna accord was merely a press release of good intentions —

Some Hon. Senators: Shame, shame.

Senator LeBreton: — with no fiscal framework built around it. As I have said on many occasions, we were not elected to fulfil failed promises of the previous government.

Having said that, Budget 2007 does build upon commitments the government made to Aboriginals in last year's budget, including funding commitments to on-reserve housing. Budget 2007 states that we will work in consultation with the First Nations to develop approaches supporting on-reserve individual property ownership. Funding in the amount of \$105 million over five years will more than double the size of the Aboriginal Skills and Employment Partnership program.

Over the next two years, an amount of \$20 million will be expended to support First Nations in the Maritimes and the Gaspé region of Quebec in playing a greater role in fisheries management. In addition, the budget provides \$14.5 million over two years to expand the Aboriginal Justice Strategy, to significantly increase the number of Aboriginals who have access to community justice programs.

The new regulatory regime will be developed to oversee water quality on reserves based on the options raised by the report of the Expert Panel on Safe Drinking Water for First Nations.

The budget also states that within the coming year Minister Prentice will work with First Nations leadership to move forward with an action plan to accelerate the resolution of specific claims.

Senator Milne: Honourable senators, if the government is doing such an excellent job of addressing the needs of Aboriginal Canadians, why was Chief Phil Fontaine almost in tears as he addressed the media after the budget speech yesterday?

• (1455)

The previous government recognized that there was a problem and sought solutions with Aboriginal and government stakeholders. A large part of these solutions was incorporated in the Kelowna accord, which my friends opposite downgrade all the time and which this government abandoned. Even though this government committed to spending \$450 million for improving water supply and housing on reserves and up to \$300 million to provinces to address immediate pressures in off-reserve Aboriginal housing in Budget 2006, Treasury Board documents cited in Budget 2007 state that the level of spending by this government to address the needs of Aboriginal Canadians remains static or even decreased slightly compared to 2006.

Tell me, how many houses can be built for \$450 million? Maybe 45 or fewer in isolated areas. It costs a lot of money to build a house. How are these smoke and mirror commitments supposed to help Aboriginal Canadians aspire to build a stronger, better and safer Canada?

Senator LeBreton: I cannot comment on the emotional state of Phil Fontaine as he appeared on the television after the budget. Would that be the same Phil Fontaine who urged the Prime Minister, when there was speculation that Minister Prentice would be moving to the environment portfolio, to not move Minister Prentice but to leave him in his present portfolio because of the excellent working relationship that Minister Prentice has with the leadership of the Aboriginal community? I think everyone would acknowledge, whether from the Aboriginal community or not, that Minister Prentice is a serious minister who is working hard to resolve the myriad of issues that affect the Aboriginal community. I believe that he will continue doing this good work.

Given the specific details of the question, I will take part it as notice. I have no idea what the department will say it will cost to build a single home in various Aboriginal communities.

Senator Milne: Will the honourable leader also undertake to find out how National Chief Phil Fontaine feels about Mr. Prentice today?

Senator LeBreton: I suppose we will have to ask Mr. Fontaine that question. However, I do not think it is the responsibility of the government to ask Phil Fontaine how he is feeling on any particular day.

Senator Milne: Honourable senators, I should like to correct, if I may, a statement in one of my questions to Senator LeBreton. I incorrectly divided the numbers for \$450 million; about 1,000 homes could be built for that amount, not 45, amounting to approximately one and a half homes per reservation.

TAX CREDIT TO FAMILIES

Hon. Sharon Carstairs: Honourable senators, yesterday, the Minister of Finance announced he had a choice and decided he would support families — well, some families, because a single mother making minimum wage, with two children, pays no tax in this country after her deductions. She cannot take advantage of a tax credit because she pays no tax. Can the Honourable Leader of the Government in the Senate explain to me why it is acceptable for families living on minimum wage to get zero benefit and families earning \$150,000 to get a \$640 benefit?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I believe that the particular individual referred to by my friend will benefit from the programs of the government and the announcements made in the budget. There are many areas of the budget that all Canadians can access, whether it is the transfers to the provinces in terms of wait times or the mental health commission. A whole host of programs announced in the budget will benefit all Canadians, whether they are low, middle or upper income.

• (1500)

Senator Carstairs: The honourable senator does not seem to understand that her own finance minister said that the budget was about “helping families.” Surely, the family to which I alluded deserves our greatest help.

Can the government leader explain why a family earning \$30,000 a year cannot take full advantage of the credit whereas a family earning \$150,000 a year can?

Senator LeBreton: The budget contained a provision to remove the discrimination against single-parent families. However, because I do not have the details of that provision readily available, I shall take the question as notice.

Senator Carstairs: Can the Leader of the Government explain to this chamber why her government has chosen to widen the gap between the rich and the poor, instead of doing what is fair and equitable, that is, lessening the gap between the rich and the poor?

Senator LeBreton: I would challenge the honourable senator's remark. According to the commentary I have seen on yesterday's budget, the government is dealing with the working poor and working families. As I mentioned earlier, Minister Flaherty's budget will invest more than \$550 million a year to establish the WITB — the working income tax benefit — whereby people on welfare will not be penalized by entering the workforce.

I will be happy to use the example the honourable senator has outlined and ask the Department of Finance to specifically illustrate the benefits — and there are many — the family alluded to in her question will receive from the policies of the government.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the following questions: a question raised in the Senate by Senator Tardif on October 19, 2006, regarding Human Resources and Social Development, post-secondary education and the consultative process; a question raised by Senator

Carstairs on December 6, 2006, regarding a proposal to extend employment insurance benefits to caregivers; a question raised by Senator Hervieux-Payette on February 14, 2007, regarding advertising expenditures; a question raised by Senator Fraser on February 14, 2007, regarding greenhouse gas emissions and the replacement of the cabinet fleet with hybrid vehicles; a question raised by Senator Hervieux-Payette on February 20, 2007, regarding National Defence and the deployment of CF-18s to Afghanistan; a question raised by Senator Cowan on February 22, 2007, regarding the implementation of the *Federal Accountability Act*; a question raised by Senator Day on February 22, 2007, regarding the implementation of the *Federal Accountability Act*; and lastly, a question raised by Senator Milne on February 28, 2007, regarding the Canadian Wheat Board and the plebiscite on the marketing of barley.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

POST-SECONDARY EDUCATION—
CONSULTATIVE PROCESS

(Response to question raised by Hon. Claudette Tardif on October 19, 2006)

In the May 2006 Budget, Canada's New Government committed to restoring the fiscal balance and working toward more open, transparent and collaborative fiscal relations in Canada. As part of this process, HRSDC consulted with provinces and territories, stakeholders and citizens. The web-based consultation was part of a broader web consultation on fiscal balance led by the Department of Finance. Web-based consultations provide an effective means for people from all regions of the country to participate, and offers broad accessibility and transparency.

The Department of Finance issued a news-release on August 8, 2006, advising Canadians about the consultations, supplemented by information available on their website, including a link to HRSDC's consultations. Also, to support awareness, over a hundred national stakeholder organizations were contacted directly and asked to share their views. They were encouraged to forward the invitation to regional and provincial member organizations. The web-based consultation was active from August 8 to September 8. HRSD received 165 submissions from individual Canadians, and approximately 35 from stakeholder organizations.

PROPOSAL TO EXTEND EMPLOYMENT INSURANCE
BENEFITS TO CAREGIVERS

(Response to question raised by Hon. Sharon Carstairs on December 6, 2006)

The Government of Canada is committed to ensuring that the Employment Insurance (EI) program continues to serve Canadians in an effective and timely manner.

It is important to note that EI is an insurance based program with the primary objective of providing temporary financial support. Along with employers, workers pay premiums while they are working so that they will be able

to collect benefits if they are unable to work whether they are temporarily unemployed, sick, pregnant, caring for their newborn or adopted child, or providing care or support to a gravely-ill family member.

Since January 4, 2004, six weeks of EI Compassionate Care Benefits (CCB), are available to ensure that eligible workers are able to take a temporary absence from work, without fear of sudden income or job loss, when a gravely-ill person who considers the claimant to be like a family member has a significant risk of death within a 26-week period.

The six week CCB period was established based on research that included medical evidence on the duration of grave illnesses and best practices in the public and private sectors. Since all EI benefits are intended as temporary income replacement measures, the CCB is not designed to address work absences that are due to longer-term caregiving responsibilities which may be ongoing in nature and not related to crises associated with grave illnesses. The six week benefit period established a sound foundation for compassionate care leave and represents a balanced approach. A range of longer-term supports for family members of critically-ill Canadians are also available through tax credits or through services and supports provided by provincial governments.

The Government of Canada recognizes that one of the most difficult times faced by Canadians is when an immediate family member is gravely ill or at risk of death, particularly when the family member is a child. The requirement to certify the medical condition of the family member as part of the application process for CCB flows from the policy intent of the benefit, which is to support Canadian workers when a family member is gravely ill.

Use of the CCB is monitored closely and reported on annually in the EI Commission's Monitoring and Assessment Report, which is tabled in Parliament. An evaluation of the CCB is also underway and benefit duration is one of the issues that is being examined. Human Resources and Social Development Canada is committed to serving all its clients in a fair and effective manner and will continue its on-going monitoring of the Compassionate Care Benefit.

PUBLIC WORKS AND GOVERNMENT SERVICES

ADVERTISING EXPENDITURES

(Response to question raised by Hon. Céline Hervieux-Payette on February 14, 2007)

Our records indicate that, from January 2006 to today, PWGSC has not issued any advertising contracts to Republik publicité + design.

GREENHOUSE GAS EMISSIONS—REPLACEMENT OF CABINET FLEET WITH HYBRID VEHICLES

(Response to question raised by Hon. Joan Fraser on February 14, 2007)

There are TB policies in force for both the overall fleet and executive fleet, requiring departments to take measures to eliminate unnecessary idling in vehicles.

Departments must take measures (e.g., anti-idling campaign; optimal use of anti-idling technologies such as auxiliary power units and cab heaters) to eliminate unnecessary idling in government vehicles.

Below is a composition of the entire fleet of light-duty vehicles by fuel type. Also attached is a table on the Composition of Executive Vehicles by Make/Fuel type.

As of March 31, 2006, the federal fleet of commercial light-duty vehicles (mostly passenger cars, vans, pick-ups, SUVs, etc.) consisted of approximately 28,383 vehicles. The federal government orders approximately 4,000 new vehicles annually and the average age of the fleet is about 4.5 years. As such, vehicles are ordered, delivered and disposed of continuously on a daily basis, so exact figures on today's fleet may be difficult to obtain unless all departments are contacted for confirmation. However, the latest figures of 28,383 were obtained by TBS in preparation for the President's Report to Parliament on the Application of the Alternative Fuels Act for the 2005-06 FY. The numbers presented below consist mostly of the fleet of light duty vehicles (excludes military pattern vehicles) by fuel type:

Gasoline vehicles:	24,542
Hybrid gasoline/electric vehicles:	562
Diesel fuel vehicles:	1,782
	(includes at least 11 running on biodiesel)
Propane powered:	71
Natural gas powered:	106
E85 ethanol flexible fuel:	1,743
Electric:	32
	(these are small off-road vehicles that are counted here because they replace gasoline powered trucks)
Total:	28,383

Summary of Executive Vehicles by Fuel Type

February 2007

Class/ Category	Ministers & Sec. of State		DMs & Eligible Senior Officials	
	Make/Model	Qty	Make/Model	Qty
Hybrid	Toyota Prius	3	Toyota Prius	8
	Ford Escape	0	Ford Escape	7
	Toyota Camry	0	Toyota Camry	10
	Honda Accord	6		
Total		9		25
E85 Ethanol	Dodge Grand Caravan	4	Dodge Grand Caravan	1
	Chevrolet Impala	5	Chevrolet Impala	5
	Chrysler Sebring	0	Chrysler Sebring	1
		9		7
Gasoline 4 cylinder	Nissan Altima	2	Nissan Altima	6
			Toyota Camry	1
			Subaru Legacy station wagon	1
		2		8
Gasoline 6 cylinder	Ford Five Hundred	4	Chevrolet Impala	5
	Toyota Camry	1	Chrysler Concorde	4
	Buick Lesabre	1	Dodge Magnum	2
			Buick Century	1
			Chrysler Sebring	1
			Ford Five Hundred	1
			Dodge Grand Caravan	1
		6		15
Gasoline 8 cylinder	None	0	None	0
Grand Total		26		55

Vehicles in green sections are fully compliant with the standards	50	10	74%
6 cylinder gasoline — to be replaced once they reach 3 years	21		26%
8 cylinder gasoline — none remain	0		Nil
Total	81		100%

Summary/status

(progress from October 2005 to February 2007):

Pros:

- Leadership vehicles (AFVs/hybrids) increased by 35 per cent (from 27 per cent to 62 per cent of executive fleet).
- Vehicles with 4-cylinder engines remained about the same (approx. 12 per cent of executive fleet).
- Vehicles with 6-cylinder engines decreased by 31 per cent (from 57 per cent to 26 per cent of executive fleet).
- Vehicles with 8-cylinder engines have all been disposed of.

- 7 hybrids and one E85 ethanol vehicle are presently on order.

Cons:

- 12 conventional fuel vehicles currently exceed the Directive's 3-year replacement standard.

NATIONAL DEFENCE

AFGHANISTAN—BALANCING EXPENDITURES ON MILITARY EQUIPMENT AND HUMANITARIAN AID

(Response to question raised by Hon. Céline Hervieux-Payette on February 20, 2007)

There are significant risks involved in Afghanistan, whether in the Kandahar region or elsewhere, and the Canadian Forces are amongst the best trained and best equipped soldiers there.

Deploying different or additional capabilities during a mission is normal practice. As the Taliban change tactics, we must provide our troops with corresponding levels of protection. In some cases, this could involve the deployment of new or different types of equipment.

For example, the Canadian Forces deployed Leopard tanks to Afghanistan, which have proven to be a valuable asset to the mission. The tanks are more heavily armoured than our light armoured vehicles, providing increased protection to our front line troops.

As for the deployment of CF-18s to Afghanistan, it is not currently an option being considered by the Canadian Forces. Any decision to do so would be made by the Government and would be based on the operational requirements of the mission. The United States, Dutch and British forces are currently providing air support for Canadian and allied troops serving in southern Afghanistan.

Safety is always the top priority for the Canadian Forces in everything they do, here and abroad. The Government has shown time and again that it is committed to the mission in Afghanistan and giving the Canadian Forces the right equipment and protection they need to face the hazards of this operation.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT—
DELAY IN IMPLEMENTATION

(Response to question raised by Hon. James S. Cowan on February 22, 2007)

On April 11, 2006, the Government of Canada introduced the *Federal Accountability Act* and Action Plan to make government more accountable. The Government of Canada delivered on this commitment by passing the *Federal Accountability Act*, which was granted Royal Assent on December 12, 2006.

The *Federal Accountability Act* amends over 45 statutes and creates two new ones making it one of the largest and most complex pieces of legislation in Canadian history. As is common for complex legislation, different sections of the Act will come into force at different times. In passing the *Federal Accountability Act*, Parliament approved the various coming into force provisions that apply to the different parts of the Act. Some came into force at Royal Assent, some will come into force on specific dates, and others will come into force at dates to be set out by Order-in-Council.

Complete implementation of the *Federal Accountability Act* and Action Plan will be a complex process. There are several key implementation activities, including the development of several sets of regulations, some of which require significant public consultations; several Governor in Council appointments, some of which require vetting or approval by Parliament; and various other administrative matters, such as ensuring organizational readiness and training.

Each of these implementation activities will require time and resources, and officials are working to complete these tasks quickly and effectively.

The Government of Canada is working diligently to bring the remaining provisions of the Act into force. For example, the President of Treasury Board recently announced the coming into force dates for the expansion of the *Access to Information Act* to five Agents of Parliament, five foundations and the Canadian Wheat Board (April 1, 2007); new fraud offences in the *Financial Administration Act* with tougher sanctions for those that commit fraud with taxpayers' dollars (March 1, 2007); and amendments to the *Canadian Dairy Commission Act*, the *Enterprise Cape Breton Corporation Act* and the *National Capital Commission Act* to separate the positions of Chair and Chief Executive Officer of these Crown corporations (April 1, 2007 for ECBC and the NCC and April 27, 2007 for the CDC) to coincide with the expiration of the terms of office of the current Vice Chairperson and Commissioner.

In terms of the appointments of the Parliamentary Budget Officer, it should be noted that, under the *Federal Accountability Act*, the Parliamentary Librarian is responsible for the selection process to identify a candidate for appointment by the Governor in Council. Once this process is completed, the Government will do its part in the appointment process.

With respect to the Public Appointments Commission, the *Federal Accountability Act* provides for its establishment and the Commission will be responsible for overseeing and reporting on selection processes for all Governor in Council appointments to agencies, boards, commissions and Crown corporations.

The Government is committed to making qualified appointments to public offices. Since taking office, the Government has appointed a number of highly qualified

individuals to key positions, including heads of agencies and chairpersons and chief executive officers of Crown corporations.

The Government is currently laying the groundwork for the eventual establishment of the Commission.

(Response to question raised by Hon. Joseph A. Day on February 22, 2007)

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AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD - PLEBISCITE ON MARKETING OF BARLEY

(Response to question raised by Hon. Lorna Milne on February 28, 2007)

The plebiscite question was designed by the Government to put all the options on the table. The Government has heard support for all three of these options: maintaining the single desk, marketing choice and the open market.

The Government wants producer views on all the options. The Government believes Western grain farmers should have the choice on how they market their grain while preserving a strong, viable, yet voluntary Wheat Board. The Government developed the wording of the three options to enable consultation of farmers on this issue.

These three options are clear, simple, and to the point. Farmers are more than capable of expressing their preference for the option of their choice.

The three options on the ballot are:

The Canadian Wheat Board should retain the single desk for the marketing of barley into domestic human consumption and export markets.

I would like the option to market my barley to the Canadian Wheat Board or any other domestic or foreign buyer.

The Canadian Wheat Board should not have a role in the marketing of barley.

To help producers make an informed decision, three independent specialists in the field; Dr. Murray Fulton, from the University of Saskatchewan; Rolf Penner, from the Frontier Centre for Public Policy; and Dr. Barry Cooper, from the University of Calgary; were retained by the Government to write a short, objective description of each question, which was provided in the package sent to producers.

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: At the end of Question Period on Thursday, February 15, while the Speaker *pro tempore* was in the Chair, Senator Comeau rose on a point of order respecting some questions posed to committee chairs. Referring to rule 24(1)(c), he expressed concern that several questions had dealt with matters not actually before any committee. He argued that such questions anticipate a decision of the Senate and should be ruled out of order.

[English]

In addressing this issue, it seems pertinent to cite rule 24(1):

When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

(a) the Leader of the Government in the Senate, if it is a question relating to public affairs,

(b) a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibility, or

(c) the Chairman of a committee, if it is a question relating to the activities of that committee.

[Translation]

As noted in the Speaker's Ruling of May 10, 2006, the aim of Question Period "is to promote the immediate exchange of information about the policies of the Government or the work of a committee." As all Senators will appreciate, the Senate functions best when its business, including Question Period, proceeds in a courteous and dignified manner appropriate to the Chamber of sober second thought.

[English]

In the Senate, it is the tradition and practice that decorum and mutual respect prevail during Question Period, even as issues that can arouse great passion are being considered. It is the norm that senators are respectful in asking questions, providing very brief contextual explanations when necessary. It is also the norm that questions are answered in a similar manner, as is shown by the practice of expressing thanks to an honourable senator for a question. In addition, it is the general practice that senators refrain from any disruptive outburst. In the Senate, Question Period is an opportunity to exchange information.

[Translation]

The Rules are clear as to which Senators may be asked questions during Question Period. If it relates to public affairs generally, a question can be asked of the Leader of the Government. If it relates to the ministerial responsibilities of a departmental Minister, the question can be asked of that Senator. If it relates to a committee's activities, the question can be asked of the chair of that committee. On this latter point, "activities" can be interpreted generously. As noted in a Speaker's Ruling of November 13, 1980, committee activities include "the specific things that are done by the committee, such as the holding of meetings, the election of a chairman, the calling of witnesses, the hiring of staff, advertising, and any other matter relating to the manner in which the committee conducts its proceedings." General issues about planning and upcoming work are included in the broad category of committee activities.

[English]

Rule 24 establishes that a very wide range of questions may be posed during Question Period. By contrast, rule 22(4) is quite explicit that Senators' Statements shall not anticipate any Order of the Day. The lack of such a restriction in rule 24 and its broad wording suggest that questions can cover the full range of public affairs, whether or not they anticipate an item on the Orders of the Day. It is also interesting to refer to page 420 of *House of Commons Procedures and Practice*, by Marleau and Montpetit, which notes that the House of Commons has permitted questions anticipating an Order of the Day since 1997.

• (1510)

[Translation]

Going beyond the issue of what questions can be addressed, and to whom, it is the Senate's practice that, if a Senator is comfortable answering a question, he or she should be allowed to do so.

[English]

It is well to emphasize that the Senate is, to a considerable degree, a self-regulating house. While rule 18 allows the Speaker to intervene on his or her own initiative to preserve order and decorum, this authority is used with circumspection. In most circumstances, the Speaker's duty is to preside over the proceedings, ensure the orderly flow of debate and assist the Senate in moving through its daily business. For the Speaker to adopt an interventionist approach would be a significant change in practice that is not often necessary and would likely be unwelcome. The self-regulating nature of the Senate is particularly in evidence during Question Period, since rule 23(1) prohibits the raising of points of order and questions of privilege at this time. In terms of the flow of business during Question Period, the Speaker should not normally interfere.

[Translation]

Another issue affecting the decorum of Question Period, and which needs to be reiterated, is the use of personal electronic devices. They interfere with the sound system and make it difficult to follow proceedings. Once again, all honourable senators are called upon to keep these devices out of the Chamber. Even when they are in the off position they can cause static in the sound system.

[English]

Returning to the specific issue of the point of order, the questions that were put to committee chairs on February 15 were not out of order. More generally, however, all honourable senators are encouraged to reflect on the manner in which they conduct themselves in order to ensure that they preserve the useful flow of information that has long been the tradition and hallmark of Question Period in the Senate. In this manner, we shall best serve all senators.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I wish to inform the Senate that, when we proceed to Government Business, the Senate will begin with Item No. 4 under Bills, the second reading of Bill C-37, and then continue with the other items as they appear on the Order Paper.

[The Hon. the Speaker]

[English]

BILL TO AMEND THE LAW GOVERNING FINANCIAL INSTITUTIONS

SECOND READING—DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill C-37, to amend the law governing financial institutions and to provide for related and consequential matters.

He said: Honourable senators, I am pleased to move second reading of Bill C-37, to amend the law governing financial institutions and to provide for related and consequential matters. The laws in question constitute the legislative framework for Canada's financial services sector, including financial institutions, banks, insurance companies, credit unions, cooperatives, trust and loan companies and other institutions. The following is a list of the relevant acts in Bill C-37, although some in respect to technical amendments only: the Bank Act, the Cooperative Credit Associations Act, the Insurance Companies Act, the Trust and Loan Companies Act, the Bills of Exchange Act, the Canada Deposit Insurance Corporation Act, the Canada Payments Act, the Financial Consumer Agency of Canada Act, the Green Shield Canada Act, the Investment Canada Act, the National Housing Act, the Payment Clearing and Settlement Act, the Winding-up and Restructuring Act and the Canada Business Corporations Act.

I went through that list to give honourable senators an idea of the order of magnitude of Bill C-37, which forms the framework for our financial services sector. Bill C-37 is the result of the statutory requirement that there be a five-year review of our financial institutions legislation. In this case, we are in a bit of an urgent situation because the election of 2005 intervened at a time when the process had begun. In Budget 2006, an extension for completing this review and any proposed legislation was fixed for April 24, 2007. Therefore, I say at the outset of my remarks that I hope Bill C-37 will be dealt with in this chamber and in committee in a fashion that will enable us to complete our job in time to meet that deadline.

I will read a statement found at the beginning of a white paper issued in June 2006 to put the concept of the five-year statutory review in context. At page 5, the white paper stated:

The Government of Canada is responsible for ensuring that the regulatory framework allows financial sector participants to operate as efficiently and effectively as possible, while maintaining the safety and soundness of the sector, which serves and protects consumers and businesses. The regular five-year review of the financial sector framework is an important tool in meeting these responsibilities.

Honourable senators, one could argue that the financial services sector is one of the most important components of our economy today, and this government is committed to doing what it can to help this sector grow. As honourable senators know, the financial institutions sector touches the lives of most Canadians on a regular and daily basis. That stretches far beyond those of us who actually use these services. The financial services industry employs about 700,000 Canadians in good, steady, well-paying,

knowledge-based jobs. Moreover, the vibrant industry represents about 6 per cent of Canada's GDP and is at the forefront in the use of state-of-the-art information technology. In this global economy, we are aware of how billions of dollars can be moved across the globe with the push of a button. Given that this information technology is advancing at such a rapid rate, it is important that we, in our role as overseers of the sector, conduct this kind of review and that we pay close attention. For this and other reasons, it is critically important that the framework governing this important and influential sector is current and effective.

Honourable senators, that is what Bill C-37 is all about. Before getting into the details of the bill, I will make a few remarks to illustrate how we got where we are today with this proposed legislation.

Leading up to Bill C-37, there was an extensive consultation process. As part of that process, a large and representative number of stakeholders, including industry associations, financial institutions and consumer groups, provided comments for the review of the financial sector statutes — the acts to which I referred earlier. While there was general agreement among stakeholders that no major overhaul of the legislative framework is needed at this particular juncture, there was a view that some useful refinements could and should be made to improve the framework. These consultations resulted in the white paper issued by the government last June entitled, *2006 Financial Institutions Legislation Review: Proposals for an Effective and Efficient Financial Services Framework*. The paper was circulated for comment to all stakeholders and to parliamentarians both here and in the other place. For the most part, it is the basis for Bill C-37.

• (1520)

The bill contains proposed amendments to the legislative framework to which I referred and which is focused on achieving the three key objectives of enhancing the interest of consumers, increasing legislative and regulatory efficiency, and adapting the framework to new developments. Taken together, these three objectives will contribute to a modern and competitive financial sector framework from which businesses and consumers alike will continue to benefit.

There is little doubt, honourable senators, that consumers today are in a better position to manage their own financial affairs, especially with the services available to them on the Internet. Healthy competition within the sector ensures that consumers have more choice among financial products and services to best suit their individual goals and needs at competitive prices. However, at the same time, increasing competition sometimes leads to complexity in the decision-making process or in the nature of the products available. That is why Canada's new government is acting in Bill C-37, to ensure that consumers are adequately informed.

The amendments to the financial institutions framework contained in Bill C-37 will improve disclosure of information requirements for financial institutions. This action will help ensure that consumers and businesses alike will have the relevant information to make the best decisions possible in light of the choices available to them.

A good example of disclosure requirements included in the bill relate to online services. Honourable senators, federally regulated financial institutions, under present law, must disclose in an apparent way, in their branches, information about the products and services they are providing to their customers and to the public. However, under these present laws and regulations, the disclosure requirements do not extend to the Internet world. Bill C-37 will harmonize online and in-branch disclosure requirements. This will ensure that consumers who choose to use the Internet to deal with their financial affairs will have sufficient information to allow them to compare products more easily.

Honourable senators, another key objective of Bill C-37 is to increase legislative and regulatory efficiency in Canada's financial sector. To remain efficient, the financial sector legislation should be able to adapt and evolve to an ever-changing environment. To that end, the government regularly reviews the financial sector statutes with a view to ensuring that they continue to contribute to a modern and competitive financial sector in which Canadian business and consumers alike are well served.

Bill C-37 addresses a number of key areas identified during the review process to achieve increased legislative and regulatory efficiency. Let us consider residential mortgages. Mandatory insurance for high-ratio mortgages was introduced over 30 years ago as a measure to protect lenders against fluctuations in property values and associated defaults by borrowers. However, as we know today, the marketplace has changed dramatically. Among other things, the risk management practices of lenders have improved significantly. Moreover, the supervisory framework for federally regulated financial institutions has been strengthened significantly. As such, the mortgage insurance restriction is no longer required to quite the same extent. Honourable senators, this indicates that some homeowners may be paying more for their mortgage insurance today than they need to pay.

Bill C-37 will reduce the cost of mortgages for some families by raising the loan-to-value ratio requiring mortgage insurance from the current 75 per cent to 80 per cent. This, in turn, will lower the down payment for mortgages that consumers are required to make before the law requires the purchase of mortgage insurance. This amendment to the legislative framework will create an opportunity for consumers to save on their mortgage costs.

The government's review process also identified much-needed improvements to the regulatory approval regime. Currently, ministerial approval is required for a broad range of financial sector transactions related to market entry, structure and competition, as well as to financial institution ownership. However, a wide variety of routine transactions also requires ministerial approval even though no significant policy issues are involved.

Honourable senators, Bill C-37 proposes measures to streamline this regime and to ensure that such routine transactions can be dealt with more expeditiously in the future. For example, under the current regime, two ministerial approvals are required for certain transactions involving fundamental changes. This bill proposes that the initial authorization required for fundamental changes be transferred from the minister to the superintendent of financial institutions. The third objective of the bill is designed to enable the financial

institutions framework to adapt to changes and developments in this sector more efficiently. Honourable senators, no industry is ever static, and nowhere is that more true than in the financial services sector.

With an increasingly global marketplace, financial institutions must be able to respond to developing trends such as the convergence of services offered and technological innovation. One way that Bill C-37 will improve our financial system is through the introduction of electronic cheque imaging. I mentioned the Bills of Exchange Act and the reason it was listed as part of the framework legislation is that this act governs bills, notes and letters of exchange. To be able to have electronic cheque imaging, as I will explain, we need to amend that act.

Honourable senators, as you can surely imagine, banks annually process about 1 billion paper items, mostly cheques, valued at over \$3 trillion. The physical clearing of cheques is labour-intensive, time-consuming and more costly than necessary, given the technology available to us today. Measures in Bill C-37 will permit banks to make use of that technology by implementing electronic imaging or scanning of cheques. This use of technology will result in significant gains in efficiency, saving time and resources currently dedicated to the transport of cheques.

To ensure that gains in efficiency are fully realized, Bill C-37 contains another measure related to cheque hold periods. I will explain. For most large banks, the maximum hold period today on cheques deposited with tellers is 10 days. That hold period may affect consumers who need to pay their bills right away. It is a cash flow issue. It may also affect small- and medium-sized businesses that need to access funds to meet their operating expenses, such as buying supplies and paying their employees.

The government has finalized an agreement with the banking industry to reduce the maximum hold period from the current 10 days to seven days. There are provisions in the works that once financial institutions have fully implemented cheque imaging, the maximum hold period will be reduced to four days.

There are, honourable senators, of course, many more measures in Bill C-37 that will provide significant benefits to Canadian consumers and businesses. They can be explained in detail and fully reviewed when this bill gets proper hearing in the appropriate committee of the Senate.

I would, however, like to mention one such measure that supports the government's commitment to help financial institutions fully realize their potential and maximize their contribution to the Canadian economy. I refer to the proposal to the bill to allow financial institutions to add more foreign directors to their boards. This amendment to the Canadian residency requirement will enhance the ability of the institutions to pursue opportunities on a global basis. I must stress, however, that to ensure an ongoing strong Canadian presence on the boards of these institutions, the majority of directors must remain Canadian residents.

Honourable senators, there is every reason for Canadians to want to see our financial institutions succeed in the global marketplace.

First and foremost, that success must help improve the prosperity and the competitiveness of our economy. Canada has a strong and vibrant financial system that serves Canadians well.

Canada's new government recognizes that, to remain competitive, our financial institutions must be able to adapt to the evolving demands of a global economy. That is the intent of this bill and, indeed, the intent of this government.

• (1530)

I would ask all honourable senators to give the bill the consideration it deserves, refer it to the Standing Senate Committee on Banking, Trade and Commerce and have it treated so that we can meet that April 24 deadline.

On motion of Senator Tardif, debate adjourned.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Day, for the second reading of Bill S-222, to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Moore*)

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak to Senator Phalen's Bill S-222, to provide assistance and protection to victims of human trafficking. I commend Senator Phalen for his hard work on the issue of human trafficking. I believe it is one of the most important issues we face in Canada, and Senator Phalen's effort is a great example of what those of us here in the Senate can do.

As we sit here in the chamber, we may think our laws say to the victims, "Come report the crime; we will help you; we will give you safety," but this is not reality.

During last session of Parliament, I sponsored Bill C-49, which amended the Criminal Code to create an offence of human trafficking. At the time, I told you about an experience I had in Abuja, Nigeria. I would like to take a moment to repeat that story because, for me, it is what puts the human face on the problem.

While I was in Abuja, Nigeria, the High Commissioner David Angel arranged for me to visit a detention facility where they were holding a group of 12 little Nigerian girls. The youngest was nine years old, and the oldest was probably no more than 13 years of age. They had been intercepted at the airport in the process of being trafficked to Europe. These young girls had been told that they were going to receive an education and a better life. Their real destination was a brothel in Europe. These brothels thrive on human trafficking, constantly bringing in new young girls to subject to rape and exploitation. It was truly sad to look into the innocent eyes of these young girls who were now left with nowhere to go but a detention facility. Their lives were left in limbo as a result of the lies they had been told. These girls were lucky, though. For every one of those girls, thousands elude the notice of authorities.

Honourable senators, we must ask, who are the trafficking victims? They are the marginalized and the disenfranchised, the vulnerable persons in any society.

This is not a problem that is limited to far-off or developing nations. The demand side of trafficking is in the industrialized world. The consumer culture in our Western society creates a demand for such exploitation and sends a false message to those exploited about the kind of life they will have. Major sports and cultural events within the industrialized world have fuelled the trafficking of women and girls for sexual exploitation in the industrial world.

Honourable senators, it is our responsibility to stop human trafficking. Bill C-49 and the CIC guidelines have attempted to lay out the way in which this country is dealing with human trafficking. However, what they say happens and what actually happens to real people are two very different things.

Over the past months, I have met with a number of NGOs and faith-based groups, as well as the RCMP and local police officers. I have asked them how are the victims really being treated. Are the guidelines operating smoothly within CIC, CBSA and RCMP and local police offices? Are we all working as a team? I received the answers, and unfortunately, the picture is not pretty. Today, I will relate to you what I have heard in the past few months.

In meeting with the RCMP, the NGOs, local police and faith-based groups, I can see that although we all want to help, we are not one team. Each group seems to have its own task to accomplish, each important but not in harmony with the overall task of helping the victim.

The victims are afraid to come forward; their trust has been broken. They have been abandoned in our country with no documentation, trapped as prey in the hands of traffickers. Their spirits have been broken by the slavery they barely lived through.

Luckily, some victims do come forward, but our laws do not make it easy for these victims. Our laws say to the victims of trafficking, "Convince us that you are not an economic refugee or migrant." We ask the victims to provide proof that they have been trafficked. We ask the victims to be willing to participate in the prosecution of the people who destroyed their lives and who they had started to trust. We tell them that if they can do all of the above, they will be allowed to stay in our country for 120 days before we send them home. CIC calls these days of reflection. If the victim can convince us further, we might allow her to have permanent residence in our country.

Honourable senators, we have to ask ourselves how convinced we would be to come forward and who we would trust. We need to work with and learn from the men and women who work to combat human trafficking. These people know how to deal with the problems involved with human trafficking. The NGOs and faith-based groups are reluctant to tell the victims to go to the authorities because they do not have faith in our system. They have seen our system in action. Here is an example of what they have seen.

Recently, in the Vancouver area, local police enforcement seeking a joint operation, approached an NGO that provided women with immigrant services. The police believed that they had

found a massage parlour with trafficked victims. The NGOs said they would be willing to assist with the proviso that the women would not be handcuffed or charged. The trafficked persons were to be taken out of the massage parlour and handed over to the NGO to provide counselling. The trafficked persons were taken out of the massage parlour in public, and they were not handed over to the NGOs to provide counselling. At first glance, we may say, finally a working relationship has been struck to make a change in order to help the victims. Sadly, the promises made to the NGOs were broken, and publicly the women were handcuffed and arrested. Once again, the victim was punished.

• (1540)

Here is another example in Vancouver from this month. There was a major bust in a trafficking ring in Vancouver. The pimp was said to be one of the worst operators in the area. Seven women between the ages of their early twenties to their early thirties were taken out of the bawdy house where they were forced to service an estimated 150 johns a month. The police observed 20 men in one two-hour period being serviced in this bawdy house. The police did not arrest the men who were going into the bawdy house; instead, they arrested the victims. The eight victims were taken directly to the airport, issued detention orders and returned to their countries.

Honourable senators, please do not misunderstand me. I am delighted there is a system of collaboration in Vancouver, but obviously, somewhere along the way, the lines of communication and respect have not been properly built. Contrary to what we have set out to accomplish in Bill C-49, the victims are not believed, are deported for being in Canada illegally and are sent back to their families without consent only to face a life of scorn.

I know honourable senators will agree with me that there is something wrong with the way in which we deal with human trafficking. We need to take strong actions to deal with the trafficked persons as a first priority. The men, women and children who are brought here for the purpose of exploitation as labour workers, sex workers or for any other purpose are victims. Their lives have been torn to shreds. Many cannot return home for the shame of what has happened. They have been severely traumatized, beaten, threatened and forced into slavery. What we started in Bill C-49 is not enough. Bill S-222 is the next step in this journey.

Under Bill S-222, victims would receive the ability to heal with the help of a 24-hour hotline, with counselling in their language. They would be provided access to information they can understand, enabling them to make sensitive decisions about their future in an effort to move on from the past. In addition, the public awareness campaign would educate our citizens about this global problem, helping to identify potential victims and at long last accepting the fact that we are a nation of consumers in this trafficking business.

Once a victim has come forward, they would be entitled to medical coverage under the Interim Federal Health Program, providing physical healing. Following the initial 120-day temporary resident permit, a longer permit — the victim protection permit — would allow for work permits to be issued and an application for permanent residence. The current 120-day period is insufficient. How can anyone be expected to build understanding of their situation and trust in a new country in

such a short period? Often, those trafficked are kept from the outside world precisely because those exploiting them need their dependence. Some develop sympathy with the ones exploiting them simply because they do not know anyone else. No other support system exists for them. The victim protection permit would allow time for the victim to earn income and set down roots in our country. Canada will respect the victims in word and in deed and allow them to restore their lost dignity.

It is my firm belief that there needs to be a consultation jointly between the NGOs, RCMP, local police and faith-based groups in order to develop a program of systems to help the victims and stop trafficking. However, Bill S-222 is where we need to begin. Perhaps then the victims would be more willing to come forward. Perhaps then the NGOs, faith-based groups and shelter workers would be willing to tell the victims to come forward.

Honourable senators, I think back again to my young friends at the holding facility in Abuja — the human face of this growing problem — and wonder how they would have been treated if they had been in Canada. Would these young children also have been given 120 days to reflect on their future before they were sent back?

Even with the changes we made last year in Bill C-49 to recognize and criminalize human trafficking, the victims today continue to suffer. With Bill S-222, I could least see these young girls I was talking about in Abuja recognized as the victims that they are.

Honourable senators, we live in the most wonderful country in this world. We must now develop new kinds of understanding to help these victims to heal their wounds, to find honest work and, most of all, to regain their dignity. I urge all honourable senators to support this vision of Canada and, once again, thank Senator Phalen for bringing forward this bill, which will help to make it possible.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I wish to thank Senator Jaffer for a very good speech. Upon reflection, and while listening to her comments, I realized that the second speaker from our side had not taken the full 45 minutes for the speech. Would this chamber accept the long-standing convention that the second speaker be allowed 45 minutes and that the speech just given by the second speaker will not be counted as constituting part of the 45 minutes?

Hon. Senators: Agreed.

On motion of Senator Comeau, for Senator Andreychuk, debate adjourned.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, my second request is for permission to revert to Item No. 4 under Government Business, Bill C-37, which Senator Angus spoke to earlier today. Senator Harb was not in the chamber at that time and we would ask if he could be permitted to make his comments at this time.

Hon. Anne C. Cools: Honourable senators, it is one thing to revert to give notices or deal with other relatively trivial situations, but if an issue has been moved — that is, if someone has moved the adjournment of debate or if an item has moved

along by way of a motion that has been voted upon and decided — a request to revert is not such a simple matter. I would like to clarify because I might have missed something.

The honourable senator is talking about Bill C-37. After a senator moves adjournment of the debate and a vote is taken, we cannot overcome a vote of the house by unanimous consent.

An Hon. Senator: Yes, we can.

Senator Cools: No, we cannot. If we want to debate that matter, I will do it on a point of order. We cannot defeat a vote that has already been taken.

The Hon. the Speaker: Honourable senators, Senator Cools raises a good point. The suggestion from the chair is that we have two options. We could rescind the motion to adjourn either by a two-thirds majority or by unanimous consent, which is even stronger than a two-thirds majority —

Senator Cools: No, it is not.

The Hon. the Speaker: If the mover and the seconder of that motion wish to withdraw it, we could then carry on, as was suggested by Senator Comeau, and have the debate continue.

Senator Cools: Let us understand what “unanimous consent” means. Unanimous consent does not mean unanimous agreement by a motion taken by a vote. Unanimous consent means agreement without a dissenting voice to waive or to suspend a rule temporarily. Unanimous consent cannot be used to defeat motions that have already been voted upon and carried. The overturning or the repealing or the rescinding of a motion is a much more serious matter, which I believe requires a two-thirds majority in support of a motion to do so. It is a different thing and would be a very bad precedent. I do not know the reason why the honourable senator wishes to do this; perhaps the senator cannot be here tomorrow.

• (1550)

If we started doing that, it would mean that anyone could overturn every single motion to adjourn by simple unanimous consent, that is without a motion and a vote of the house. For example, if a senator who had made a motion to adjourn and had left the chamber briefly, the motion could be overturned by another senator a few minutes later. I submit to honourable senators that the result would be chaos.

It seems to me that if a senator has moved a motion for an adjournment — voted on by the house — which is basically the senator saying, “I want this matter adjourned until tomorrow, so that I can speak to it at that time” — that vote cannot be altered or defeated by mere unanimous consent of the house. This is a very important point. The principle is far greater and far more important because the potential for abuse is so enormous.

If an honourable senator proposes to rescind the motion, the situation becomes more complicated. What would that take? A two thirds majority. I think the rescinding motion may even have to be done on notice, but I do not have the rule book nearby. Nevertheless, I have no doubt that I am correct on this particular point, Your Honour. It would be a very bad thing to do.

The Hon. the Speaker: The only help I will try to provide is that the motion to adjourn the debate was a procedural motion. What the chamber is asking for here is that debate on that item be continued as opposed to being adjourned at this time. Very often, when we discover that another senator did wish to speak, we let that senator speak, and then the senator who had given an indication that he or she would move the adjournment of the debate is then recognized for the adjournment. It seems to me that that is the situation in which we find ourselves.

Senator Tardif, it is your motion we are talking about.

Hon. Claudette Tardif (Deputy Leader of the Opposition): I am seeking guidance, honourable senators, but I am willing to withdraw the motion.

Senator Cools: I fear that Your Honour is arguing on the substantive issues. The custom is that if Your Honour wishes to speak and debate on the substantive issue, you should leave the chair and go to your own seat on the floor, from which I am sure we will all welcome your full words in the debate. I wanted to point that out.

In a sense, Your Honour is debating what I have said, and you are not free to do that from the chair. You may rule on what I have said but you cannot disagree with it from the chair. You can do that from your seat on the floor. There is quite a difference.

I do not have the rule book before me — nor do I know the number of the rule — but it is difficult to withdraw a motion, honourable senators, that has been voted on and carried. The motion to adjourn was made. It was duly seconded, duly voted upon and duly carried. The motion is beyond withdrawal; it is a different creature.

I did not want to put a damper on anyone, but this is the system in which we are working. Perhaps there is another solution; I do not know. Perhaps other senators can suggest a solution.

I hope that Senator Tardif understands her motion to adjourn can no longer be withdrawn. One can withdraw a motion before it has been voted upon, but not after. Just think of all the motions passing bills and everything else that could just be withdrawn and the resulting chaos.

The Hon. the Speaker: Is the house prepared to accept Senator Tardif's proposition?

Hon. Senators: Agreed.

The Hon. the Speaker: Shall we hear from Senator Harb?

Senator Cools: No. You put me in this position.

Senator Harb: Let me ask.

Senator Cools: Your Honour, you asked whether the house was prepared to accept Senator Tardif's proposition, and I answered "No." No motion was put to the house. You are asking for unanimous consent. I said, "No." If any senator wished to place a motion, he or she should have put a motion duly seconded. That was not done.

The Hon. the Speaker: No consent being found in the chamber, we shall continue with business; the matter stands as it was.

[Translation]

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(Honourable Senator Tkachuk)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I rise today to express deep disappointment on my own behalf and on behalf of senators on this side with respect to statements made about the priority given to Bill C-288.

As you know, Bill C-288 is a priority to Canadians and to senators on this side of the chamber. Honourable senators, the Senate received Bill C-288, which aims to ensure Canada meets its global climate change obligations under the Kyoto Protocol, on February 15, 2007. The night before, on February 14, this bill was passed by a majority of the members at the other place. On February 20, in other words, at the next sitting of the Senate, Senator Mitchell spoke at second reading of this important bill.

After that, the government was in no rush to have its representative take the floor. While other senators expressed their interest in talking about this highly important bill as soon as possible, in a spirit of cooperation and respect for the traditions and customs of this place, we agreed, in good faith, to derogate from Rule 37(3) in order to allow some of our honourable colleagues to take part in the debate on this very important subject, without encroaching on the 45 minutes promised to the government representative in the Senate.

We reached this temporary agreement in good faith and in a spirit of cooperation, despite the fact that we wanted to proceed as soon as possible.

[English]

Honourable senators, you can therefore imagine both my colleagues' and my own dismay and extreme disappointment when reading the comments that were made by the Leader of the Government to *The Hill Times*. According to *The Hill Times*, the Leader of the Government said that she does detect a lot of urgency on the part of the opposition. "They certainly haven't been pressing us to get moving on this."

That is not the case, honourable senators. That statement is a complete falsehood. In fact, our side has conveyed to the government side the high importance of this bill and our wish to proceed as quickly as possible. In his remarks, Senator Mitchell said, and I quote, "What is required is something that we are not getting, and that is leadership."

Our honourable colleague Senator Chaput said in her speech — and I quote, honourable senators: "I would not want us to spend too much time playing politics when our planet's future and my grandchildren's future are at stake."

There was no doubt that we wanted to proceed as soon as possible. We entered into a temporary agreement as a courtesy to our colleagues on the other side, and now it seems that we on this side are deemed to be moving too slowly on something that is so important to Canadians and to the future of our planet. This government, your side, calls on us to be quick and efficient. Since, according to your leader, you do not need time, we urge that this chamber proceed today to adopt this bill at second reading so that we can send it to committee immediately.

Honourable senators, I move that the motion for second reading of Bill C-288 be adopted.

• (1600)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to be absolutely sure that I understand exactly where we are going. Do I understand that the honourable senator just now broke a deal we made last week? Have you officially broken the deal on the floor of the Senate?

Senator Tardif: Honourable senators, we agreed that the second speaker not be considered the second speaker, and we were criticized in the *Hill Times* for not moving quickly enough. We acted in good faith, and we have not received the same.

Senator Comeau: Honourable senators, I want to be absolutely sure. Whatever spin Senator Tardif may want to read from the *Hill Times* or whatever dialogue that the honourable senator and others have with the *Hill Times* or the interpretations they may get from it, I want to be crystal clear that with respect to a deal that we had as of two weeks ago, the senator has said that the deal is off and we are breaking our side of the deal, so that we in the future know whether we can make an agreement with the other side. I want to be absolutely sure that we know where we are going in the future and whether we have the word of the other side, because much of the work in this place has to do with whether we can trust one another.

Senator Milne: True.

Senator Comeau: If you choose an interpretation of what you read in the *Hill Times* as a way of breaking a deal, that is your way of approaching it; that is fine. I want to know if the deal that we had is now broken.

Hon. Anne C. Cools: Honourable senators, I rise on a point of order. This exchange is extremely irregular and improper. I hasten to add that all the so-called deals that leaders made are not binding on the Senate, and in point of fact, the Senate acts as if they do not exist.

It is a little tiresome. First of all, this is the first time I am hearing of any deal, but you have to understand that I am not in the know, so I do not hear of many things. I would say that any debate about a deal made or not made is extremely inappropriate to the proceedings of this place. There are senators who believe, as do I, that many of the deals in today's community go way beyond anything that negotiations are supposed to do and the effect they are having is to bind senators to many things that they do not even know they are being bound to.

I do not know the background or the bill; I just know the exchange I am hearing. It would be faithful to the law and the system of Parliament if this particular debate on whether this deal was done or not done or the details would cease and desist. It is extremely improper, and it is shaming, shameful and tasteless.

Hon. Senators: Question!

Hon. Terry Stratton: Honourable senators, for the record, is the Deputy Leader of the Opposition saying that I will not be allowed to speak?

Senator Carstairs: Speak now.

Senator Stratton: I am asking the question. She is calling for the question now. I was informed that there were a number of speakers on both sides that wanted to speak, so I would be prepared to speak before we rise for Easter break. That was my intention. You are now telling me I cannot speak.

Some Hon. Senators: Question!

Senator Stratton: I would like an answer from the Deputy Leader of the Opposition. I need an answer. I would like an answer to that question.

The Hon. the Speaker: Honourable senators, order. Procedurally, we are in debate on Bill C-288. We have had one speech. I will put the question. Is there further debate?

Some Hon. Senators: Question!

Senator Comeau: Honourable senators, I would like to debate this most important bill, Bill C-288, that, in the eyes of the other side, says it is the end all and cure all for all the ills that they were not able to accomplish over a 13-year period. As far as I know, no action at all had been taken on it until, suddenly, within a year of a new government taking power, the environment becomes important to that party. I am glad it is because the environment is important not only to that party but also to everybody.

I hear Senator Mitchell, who wants to send me some important notes of this matter, and I also agree that he probably feels shamed that his party did not act on this while they were the government. I can understand where he is coming from, having sat on the government side all these years.

Hon. Grant Mitchell: Honourable senators, I would like to address that statement. If the senator puts words in my mouth, I should have the chance to respond.

Senator Cools: It is interesting, but I do not understand what is happening here. I believe Senator Tardif moved a motion. Am I correct? Did she, or was it a proposal?

Senator Tardif: Yes, I moved second reading of the bill.

Senator Cools: Did Senator Tardif actually move it?

Honourable senators, I understand that Senator Comeau was in point of fact putting a question to Senator Tardif.

The Hon. the Speaker: Order, please, honourable senators.

Senator Cools: Your Honour, there is no disorder in the place.

Hon. Fernand Robichaud: The Speaker is standing.

Senator Cools: I was standing first.

The Hon. the Speaker: We are in debate. Senator Comeau has used two minutes; he has 13 minutes left in his time.

Senator Comeau: Honourable senators, a couple of weeks ago, I met with the other side, and they said that this is the most important bill to face this Parliament in years. I do not think I used these words with her, but, in my view, they probably viewed this bill as being a kind of a catch-up, trying to make do and recuperate all the years during which they neglected to deal with the environment. Therefore, let me just refer to my notes.

In discussing this bill with the Deputy Leader of the Opposition, Senator Tkachuk, Senator Tardif and I agreed this bill would have been dealt with as of this Thursday.

We have arrived at the point where an agreement between our two sides will be extremely difficult. I would like to remind the other side that there is nothing more important than being able to discuss and have a dialogue about the way this chamber works. I know Senator Cools was concerned with the whole concept of deals, so let me not use the word "deal." Let me use the phrase "agreement on how we work things in the Senate."

• (1610)

Senator Fraser and I, on many occasions, would try to find a way whereby we could see the work of this house progress. She will recall that on a couple of occasions I had forgotten certain things we had discussed and she reminded me of them. At those points, I said, "If we did that, I will honour it."

I would like us to understand that by crossing the threshold the honourable senator has crossed today, there is no more of that trust. We cannot have that kind of trust in the future in relation to the progress of business in this place. I want the deputy leader to seriously consider how we advance the work of this chamber. She should not simply say, "I read something in *The Hill Times* said by someone, and the agreement we had is no longer valid because I interpret those comments to say that the deal is now broken." She should think about how we would be able to advance the work of this house in the future.

Honourable senators know very well that certain elements out there do not believe this house is a workable chamber. The fact that we are progressing as we are this afternoon reinforces the concept that this chamber is not workable or that it is becoming more broken as we progress. Even the House of Commons, which is an extremely partisan chamber, much more so than this one, is able to come to accommodations and agreements that in my view are rarely broken. I think this is the first time during my years in the Senate that an agreement has been wilfully and deliberately broken on the floor of the chamber without prior consultation.

I wish I had known that the honourable senator had decided she no longer wished to honour this agreement. I would have tried

to talk her out of it or arrive at an accommodation that might have saved the future workings of this chamber. As it is now, that will no longer be the case. This decision just reinforces the need for us to consider whether this chamber has any kind of future over the long haul.

I would hope that honourable senators would be in agreement with me that we now adjourn debate so that we may have some time for reflection. Therefore, I move the adjournment of this debate.

The Hon. the Speaker: We have a motion by Senator Comeau, seconded by Senator Oliver, that the debate be adjourned in his name to the next sitting of the Senate for the remainder of his time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do we have advice from the whips?

Senator Stratton: It is agreed that we have a one-hour bell.

The Hon. the Speaker: Honourable senators, does the chair have permission to leave the chair?

Hon. Senators: Yes.

The Hon. the Speaker: Call in the senators. The bells will ring for one hour.

• (1710)

Motion negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Cochrane
Comeau
Cools
Eyton
Gustafson
Keon

Meighen
Nancy Ruth
Oliver
Prud'homme
St. Germain
Stratton
Tkachuk—14

NAYS
THE HONOURABLE SENATORS

Adams	Hays
Bacon	Hervieux-Payette
Banks	Hubley
Bryden	Jaffer
Callbeck	Joyal
Carstairs	Kenny
Chaput	Lovelace Nicholas
Cook	Mahovlich
Cordy	Mercer
Cowan	Milne
Dawson	Mitchell
Day	Munson
Eggleton	Pépin
Fairbairn	Ringuette
Fox	Robichaud
Fraser	Sibbeston
Furey	Smith
Gill	Tardif
Goldstein	Trenholme Counsell
Grafstein	Watt
Harb	Zimmer—42

ABSTENTIONS
THE HONOURABLE SENATOR

Lavigne—1

Hon. Terry Stratton: Honourable senators, I have a question, if I may. Two senators came into the chamber after the door was closed. What is the rule with respect to allowing senators into this chamber during a vote? Can they virtually come in this chamber up until the vote is starting? What is the rule that is appropriate for this action?

The Hon. the Speaker: All honourable senators who vote have to be in their places when the motion is put by the Speaker.

Hon. Grant Mitchell: Honourable senators, I rise to speak for a second time on Bill C-288 as its sponsor. I would like to make a couple of points.

The Hon. the Speaker: If Senator Mitchell speaks a second time, it will have the effect of closing the debate. We are in debate. Are there other senators who wish to debate?

[Translation]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given that the senators on the other side of the chamber are not prepared to listen to the senators on this side, and that we talking about a recent bill that could have a significant impact on Canada's future, I move that we suspend the debate and that the Senate do now adjourn.

Some Hon. Senators: No!

[English]

Hon. Claudette Tardif (Deputy Leader of the Opposition): No.

Hon. Anne C. Cools: I rise on a point of order.

The Hon. the Speaker: That motion is in order.

Senator Cools: I have not said anything much.

The Hon. the Speaker: The motion is in order. It is a motion to adjourn; it is not debateable. I am therefore obligated to put the question.

It has been moved by the Honourable Senator Comeau, seconded by the Honourable Senator Oliver, that the Senate do now adjourn. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those in favour of the motion to adjourn please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Is there advice from the chairs?

Hon. Terry Stratton: A one-hour bell.

The Hon. the Speaker: Honourable senators, the Senate will be taking a vote on procedure. That means we do not see the clock at six o'clock. Therefore, the vote will be held at 6:20 p.m. May the Speaker leave the chair for this period?

Hon. Senators: Agreed.

• (1820)

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	Meighen
Cochrane	Nancy Ruth
Comeau	Oliver
Eyton	St. Germain
Gustafson	Stratton
Keon	Tkachuk—14

NAYS THE HONOURABLE SENATORS

Adams	Hubley
Bacon	Jaffer
Banks	Joyal
Callbeck	Kenny
Carstairs	Losier-Cool
Chaput	Lovelace Nicholas
Cook	Mahovlich
Cordy	Massicotte
Dallaire	Mercer
Dawson	Milne
Day	Mitchell
Eggleton	Munson
Fairbairn	Pépin
Fox	Poulin
Fraser	Ringuette
Furey	Robichaud
Gill	Sibbeston
Goldstein	Smith
Grafstein	Tardif
Harb	Trenholme Counsell
Hays	Watt
Hervieux-Payette	Zimmer—44

ABSTENTIONS THE HONOURABLE SENATORS

Cools	Prud'homme—3
Lavigne	

Hon. Gerald J. Comeau (Deputy Leader of the Government): His Honour could request the consensus of honourable senators not to see the clock.

The Hon. the Speaker: Is it agreed, honourable senators, that we not see the clock?

Hon. Senators: Agreed.

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(*Honourable Senator Tkachuk*)

Hon. Donald H. Oliver: Honourable senators, I move adjournment of the debate.

The Hon. the Speaker: Honourable senators, Senator Oliver has moved a motion.

POINT OF ORDER

Hon. Sharon Carstairs: Honourable senators, I rise on a point of order. It is my understanding that in order to adjourn the debate, there has to be an intervention. No one has spoken to Bill C-288 and yet the honourable senator has moved adjournment of the debate. An adjournment motion before the house was defeated and before another adjournment motion can be moved, there must be an intervention, someone must speak to the item; otherwise, the Speaker must put the question.

The Hon. the Speaker: Are there further comments on the point of order?

Hon. Anne C. Cools: Honourable senators, I rise to speak briefly to the point of order. It is my understanding that the procedure is not open to persistent repeated motions to adjourn. My understanding would seem to concur with that of Senator Carstairs, such that there must be an intervention between motions. This means a senator must speak to the item before a further motion to adjourn can be moved. Although I do not have the number of the rule in the *Rules of the Senate* before me, I am certain. It must be so, otherwise a senator could continue indefinitely to move adjournment after each vote. I do not think that the rules are so mindless. Honourable senators must remember that the cast of the mind of the Senate is a common law mind.

Hon. Marcel Prud'homme: Honourable senators, I will participate in the debate but not on the point of order.

The Hon. the Speaker: Does any honourable senator wish to advise the chair on the point of order?

Hon. Yoine Goldstein: I draw the attention of honourable senators to rule 15(5), which states:

If the Senate resolves in the negative on a motion moved pursuant to section (2) above, no second motion to the same effect shall be received until some intermediate proceeding has taken place.

Senator Cools: His Honour should rule.

The Hon. the Speaker: Is there any other senator wishing to speak to the point of order?

Senator Prud'homme: I agree with Senator Cools and Senator Goldstein.

• (1830)

The Hon. the Speaker: I thank honourable senators for their interventions. I am prepared to rule.

We were on debate on the motion, and Senator Oliver rose to speak in debate.

Some Hon. Senators: He did not.

Senator Prud'homme: Let him finish.

The Hon. the Speaker: The ruling of the chair is as follows: After the vote against the adjournment of the Senate, there was unanimous consent of the house to not see the clock and to

continue. At that point, the matter before the house was second reading debate on Bill C-288. I recognized Senator Oliver, who rose to speak at second reading on Bill C-288. He rose, he was recognized, and he moved the adjournment of the debate.

Senator Cools: He did not speak.

The Hon. the Speaker: Our rules, to which the Honourable Senator Goldstein has drawn our attention, can be supplemented by Marleau and Montpetit's *House of Commons Procedure and Practice*, which reads, at page 463:

If a motion to adjourn is defeated, a second such motion may not be moved until some intermediate proceeding or item of business has been considered. Members may move repeatedly and alternately the motions to adjourn the debate and to adjourn the House, as these motions do not have the same effect and are considered intermediate proceedings.

It is the finding of the chair that Senator Oliver's motion is in order, and I shall put that question to the house.

It is moved by the Honourable Senator Oliver, seconded by the Honourable Senator Stratton, that further debate on this item be deferred to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Is there an agreement between the whips as to the length of the bell?

Senator Stratton: There will be a one-hour bell.

The Hon. the Speaker: Honourable senators, the vote on this motion will take place at 7:33.

Does the Speaker have permission to leave the chair?

Hon. Senators: Agreed.

• (1930)

Motion agreed to and debate adjourned on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Angus
Cochrane
Comeau
Gustafson
Keon

LeBreton
Meighen
Oliver
Spivak
St. Germain
Tkachuk—12

NAYS THE HONOURABLE SENATORS

Nil

ABSTENTIONS THE HONOURABLE SENATORS

Adams
Bacon
Banks
Callbeck
Carstairs
Chaput
Cook
Cools
Cordy
Cowan
Dallaire
Dawson
Day
Eggleton
Fairbairn
Fox
Fraser
Gill
Goldstein
Grafstein

Hays
Hervieux-Payette
Hubley
Jaffer
Joyal
Kenny
Losier-Cool
Lovelace Nicholas
Mahovlich
Mitchell
Munson
Pépin
Prud'homme
Sibbeston
Smith
Tardif
Trenholme Counsell
Watt
Zimmer—39

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): If His Honour were to seek the views of honourable senators, he would probably find consensus that all remaining items on the Order Paper be allowed to stand and that the house proceed to the adjournment motion.

The Hon. the Speaker: Honourable senators, is there unanimous consent?

Hon. Senators: Agreed.

The Senate adjourned until Wednesday, March 21, 2007, at 1:30 p.m.

Tuesday, March 20, 2007

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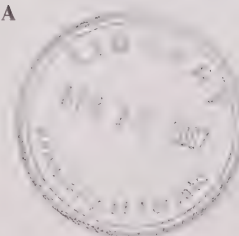
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OFFICIAL REPORT
(HANSARD)

Wednesday, March 21, 2007

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Wednesday, March 21, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

Hon. Donald H. Oliver: Honourable senators, today is March 21, the International Day for the Elimination of Racial Discrimination. This morning, I was honoured to have received an invitation from Her Excellency the Right Honourable Michaëlle Jean to attend the Governor General's Student Forum called "From the Abolition of the Slave Trade to the Elimination of Racial Discrimination" marking the bicentenary of the abolition of the slave trade.

Honourable senators, the booklet that was handed out stated:

Since 1989, Canada has marked the *International Day for the Elimination of Racial Discrimination*. This year, the day has a special significance as 2007 coincides with the *Bicentenary of the Abolition of the Slave Trade Act*. This act led to emancipation throughout the British Empire, including pre-confederation Canada. Even after slavery was abolished, the lingering legacy of racism saw former slaves confined to the bottom rung of society and denied even the most basic rights.

Honourable senators, the report indicated:

Today, communities across Canada now reflect on and celebrate the diversity that has made our country a beacon of stability, social harmony, and democracy around the world. Although the spectre of racism continues to test our ability to maintain a cohesive and egalitarian society, Canadians from across the country are holding steadfast to their commitment to build a society in which all citizens have the same opportunities to flourish.

To highlight the significance of the bicentenary, the Governor General hosted "From the Abolition of the Slave Trade to the Elimination of Racial Discrimination" as a students' forum designed to encourage young Canadian students to continue the struggle against inequality and injustice.

Honourable senators, I would say roughly 100 to 150 students from universities across Canada attended the forum this morning. Her Excellency Governor General Michaëlle Jean gave the opening address, followed by an address by the Honourable Jason Kenney, Secretary of State for Multiculturalism and Canadian Identity; an address on slavery in New France by Denyse Beaugrand-Champagne; one from Roméo Saganash entitled "From Panis to Indians: The Aboriginal Colonial Experience;" a presentation by Lawrence Hill, a well-known Canadian novelist, entitled "Slavery and Abolition in Upper

and Lower Canada;" and, finally, an address by Professor Joanne St-Lewis entitled "Abolition of the Slave Trade and the Eradication of Racial Discrimination." There was then some entertainment, followed by a question period and open discussion in which students asked a number of interesting questions about where this will take us over the next 200 years.

[Translation]

CANADIAN PARENTS FOR FRENCH

Hon. Maria Chaput: Honourable senators, today I would like to salute a national network of volunteers, Canadian Parents for French (CPF). These volunteers value French as an integral part of Canada and are dedicated to the promotion and creation of French-second-language learning opportunities for young Canadians. CPF has over 25,000 members across the country.

I would like to read a few excerpts from their press release dated March 9, 2007:

[English]

Canadian Parents for French encourages Canadians to participate in the ninth annual *Les Rendez-vous de la Francophonie* activities taking place in communities across Canada, beginning today and running until March 25.

"Activities and programs that celebrate the rich French culture in Canada offered during this annual event are opportunities in which our youth should be encouraged to participate," says Anna Maddison, CPF president. "Not only will they speak French outside of the classroom but they will also have a chance to meet francophones in their own communities," adds Ms. Maddison. "I also feel that the focus on our First Nations people will enrich the experience exponentially.

This year's theme recognizes the value and role of First Nations people in Canada and encourages dialogue and interaction between francophones, francophiles and First Nations people. CPF developed an English insert which appears in 10,000 issues of the *Les Rendez-vous* publication. The special edition has been distributed across the country.

[Translation]

Bravo and congratulations to the national network of Canadian Parents for French.

• (1340)

[English]

STATUS OF WOMEN

Hon. Lorna Milne: Honourable senators, March 8 marked International Women's Day, and it also reminded me of a couple of quotes that I heard recently about the rights of women in Canada. For instance, on October 18, 2006, in response to a

question that women's rights in Canada have eroded during the past year, the Leader of the Government in the Senate responded:

I do not feel that as a woman I am any less equal than any other person.

On October 5, 2006, Minister Oda stated before a committee in the other place:

This government does fundamentally believe that women are equal. The Charter is there. We recognize that women are equal under the Charter and under any democratic society.

With this in mind, honourable senators, I want to read into the record a few excerpts of a letter by Ginette Petitpas-Taylor, Chairperson of the New Brunswick Advisory Council on the Status of Women, which appeared in the *Moncton Times & Transcript*:

Minister Oda, if you think women are equal, please send me 30 cents for every dollar I earn to make up for the wage gap between women and men, come to my house to provide child care because the new child care bonus doesn't come close to paying for quality child care and help me raise thousands so that I can hire a lawyer to fight discriminatory laws and policies.

That also was the reaction of some Newfoundland women to the astonishing statement by Bev Oda, Minister responsible for the Status of Women, that Canadian women are equal. The minister was attempting to justify changes made to Status of Women Canada, which removed from its mandate the duty to work towards women's equality, cut its budget by 40 per cent — and it has recently talked about putting 20 per cent back in — and made it impossible for groups who receive federal funding to advocate or lobby on women's issues.

"The women are angry," like the slogan of a Halifax-based campaign says, but the women are having fun, too, reacting to the anti-equality actions and statements of the federal government.

What government ministers have said lately about equality strikes people as so outrageous that if you try telling a roomful of people about it, you will get laughter as much as outrage. Because they consider that "Stephen Harper has booted women back to the 60s," the Yellowknife Women's Society staged an old fashioned bra-burning event in front of the local federal building.

One New Brunswick woman wrote that if women are equal, then half of Stephen Harper's Parliament and cabinet should be women; she would have access to a child care program; the incidence of violence against women would be decreasing; and she would not have to think twice about walking through a parking lot alone.

Jane Ledwell from Prince Edward Island wrote a fun quiz in which women are asked, "Are we already equal as the Minister for the Status of Women says?" She takes us through some thoughts on what typically happens in everyday scenarios, such as, how would you describe your paycheque? Is it what you deserve based on your work, training and experience? Not bad —

for a woman? Not bad for part-time work, which is all you can find that is flexible enough? About 62 per cent of what a man would earn for similar work, or are you at home thinking, "Paycheque, what's a paycheque"?

ROUTINE PROCEEDINGS

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Norman K. Atkins: Honourable senators, I have the honour to table, in both official languages, the ninth report of the Standing Senate Committee on National Security and Defence, and interim report entitled, *Canadian Security Guide Book 2007: An Update of Security Problems in Search of Solutions — Seaports*. On motion of Senator Atkins, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

THE ESTIMATES, 2006-07

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) PRESENTED

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Wednesday, March 21, 2007

The Standing Senate Committee on National Finance has the honour to present its

ELEVENTH REPORT

Your Committee, to which were referred the Supplementary Estimates (B), 2006-2007, has, in obedience to the Order of Reference of Thursday, February 22, 2007, examined the said Estimates and herewith presents its report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, Appendix A, p. 1175.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1345)

[Translation]

FINAL REPORT OF NATIONAL FINANCE COMMITTEE
ON MAIN ESTIMATES PRESENTED

Hon. Joseph A. Day, Chair of the Senate Standing Committee on National Finance, submitted the following report:

Wednesday, March 21, 2007

The Standing Senate Committee on National Finance has the honour to present its

TWELFTH REPORT

Your Committee, to which were referred the 2006-07 Estimates, has, in obedience to the Order of Reference of Wednesday, April 26, 2006, examined the said Estimates and herewith presents its final report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1184.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

ADJOURNMENT

NOTICE OF MOTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That when the Senate adjourns Thursday, March 22, 2006, it do stand adjourned until Monday, March 26, 2007 at 6 p.m.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT
ON STUDY OF PRESENT STATE AND FUTURE
OF AGRICULTURE AND FORESTRY

Hon. Leonard J. Gustafson: Honourable senators, on behalf of the Honourable Senator Fairbairn, I give notice that at the next sitting of the Senate, she will move:

That, notwithstanding the Order of the Senate adopted on April 26, 2006, the date for the presentation of the final report by the Standing Senate Committee on Agriculture and Forestry on the present state and the future of agriculture and forestry in Canada be extended from March 31, 2007 to March 31, 2008.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT
ON STUDY OF RURAL POVERTY

Hon. Leonard J. Gustafson: Honourable senators, on behalf of the Honourable Senator Fairbairn, I give notice that at the next sitting of the Senate, she will move:

That, notwithstanding the Order of the Senate adopted on May 16, 2006, the date for the presentation of the final report by the Standing Senate Committee on Agriculture and Forestry on rural poverty in Canada be extended from April 30, 2007 to December 31, 2007.

• (1350)

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF CASES OF ALLEGED DISCRIMINATION IN HIRING
AND PROMOTION PRACTICES AND EMPLOYMENT
EQUITY FOR MINORITY GROUPS
IN FEDERAL PUBLIC SERVICE

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights, which was authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, be empowered to extend the date of presenting its final report from March 31, 2007 to March 31, 2008 and that the Committee retain until June 30, 2008 all powers necessary to publicize its findings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF LEGAL ISSUES AFFECTING ON-RESERVE
MATRIMONIAL REAL PROPERTY ON BREAKDOWN
OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights, which was authorized to invite the Minister of Indian and Northern Affairs concerning the recommendations contained in the Committee's report entitled, *A Hard Bed to Lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003, be empowered to extend the date of presenting its final report from March 31, 2007 to March 31, 2008 and that the Committee retain until June 30, 2008 all powers necessary to publicize its findings.

THE SENATE

FAILURE OF GOVERNMENT TO APPOINT QUALIFIED PEOPLE TO THE SENATE—NOTICE OF INQUIRY

Hon. Tommy Banks: Honourable senators, pursuant to rule 57(2), I give notice that, two days hence, I shall call the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate.

[Translation]

QUESTION PERIOD

BUDGET, 2007

PROVISION FOR MOST VULNERABLE IN SOCIETY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, we sit here in this honourable chamber as representatives of our respective provinces, but we are also here to represent minorities. We have all witnessed this government's "every man for himself" ideology, as shown in the budget.

It is very clear that this government is not concerned about those who are most vulnerable, those whom we represent, who are counting on us to defend them. This government has demonstrated that it has no intention of improving the quality of life of Aboriginals or supporting low-income families.

As the representative of this chamber at the cabinet table, can the Leader of the Government in the Senate tell us why she was not able to convince her colleagues in the other place to defend the most vulnerable Canadians, including students, single parents, seniors and Aboriginals?

• (1355)

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for the question.

Honourable senators, I believe that the budget that Minister Flaherty tabled on Monday was a balanced budget that brought in tax fairness for families. It covers very important areas that serve all Canadians on health, the environment, infrastructure and the fiscal balance to the provinces.

With regard to members of the Aboriginal community, as I said yesterday, the government is committed to working with Aboriginal Canadians and the provinces and territories to find workable solutions to better the lives of Aboriginal people. The government spends \$9 billion within Indian and Northern Affairs Canada and another \$2 billion in Health Canada. That adds up to \$11 billion. Money is expended in other departments dealing with very serious issues with regard to Aboriginal Canadians.

Honourable senators, no one would deny that many Canadians are living in deplorable conditions. Minister Prentice will work in

consultation with First Nations to develop property ownership issues. Over five years, \$105 million will be spent on the skills and employment department initiative, which will more than double the size of the funding. That funding will surely help young Aboriginal Canadians.

I do not agree with the premise of the question that the government is overlooking this very important group and these very important citizens of our country. As I said yesterday and in this place before, Minister Prentice has worked with Aboriginal communities for a long time, even before he entered public life. I am confident that he will continue his hard work with the Aboriginal people. Further, the so-called WITB program, working income tax benefit, which deals with people living on the poverty line, will also help many people in the Aboriginal community.

Senator Hervieux-Payette: Honourable senators, I would like to think that the constituencies of the Aboriginal people would applaud this budget if they were satisfied; however, we have not heard any applause. Around the country, we witness that these people feel they have been left aside. Contrary to the council of businessmen, the big business community has been applauding this budget. For me, in this budget there is a difference between the rich and the poor.

Senator LeBreton: I have not seen rich people applauding the budget.

An Hon. Senator: Send us the articles.

Senator LeBreton: In Fact, I think Bay Street has been rather muted in its comments.

Senator Milne: They see it as inflationary.

Senator LeBreton: This budget is designed to help a wide range of Canadians from all walks of life. More things were done for seniors in the budget, as well as families and farmers, for example, initiatives like the health care wait times trust initiative for cancer treatment in women and young girls.

An article in the *Vancouver Sun* this morning stated, "The budget sets out to accomplish this mainly by putting more money in the right pockets—those of parents and seniors." The article concluded by saying, "The budget makes a modest effort to help parents educate their children." It then goes on to talk about the annual contribution cap to a registered education savings plan. If you drill down into the budget and look at all the details, you will see that it affects a great many Canadians. I dare say that not many of them live on Bay Street.

ABORIGINAL LAND CLAIMS, ENTITLEMENTS AND ADDITIONS TO RESERVES

Hon. Gerry St. Germain: Honourable senators, my supplementary question is to the Leader of the Government in the Senate. It relates to the Aboriginal file.

As honourable senators know, a report was tabled in this place under the very distinguished supervision of Senator Sibbeston, Senator Peterson, Senator Gustafson and Senator Segal — I will leave my name out of it.

There was a reference in the budget with regard to the study. I think we would be remiss if we did not bring that fact forward. This is one of the leading issues in the minds of our Aboriginal peoples.

• (1400)

These huge injustices are not being rectified.

Would the Leader of the Government in the Senate give us some indication as to when the government will be moving on this reference in the budget to specific claims, treaty land entitlement and addition to reserves?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. He is quite right. Minister Prentice, Minister Flaherty and the Prime Minister are most appreciative of the work done in this place.

As the honourable senator knows, Minister Prentice has already had some success with land claims. Historically, far more land claims have been settled under Conservative governments than under Liberal governments. We have a history of settling many of these claims.

With regard to the honourable senator's specific question, I shall request of the minister a timetable as to how he plans to proceed.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

SUPPORT FOR KELOWNA ACCORD

Hon. Joan Fraser: My question is for the Leader of the Government in the Senate. By my count, which may be slightly off, but only slightly, Monday's budget calls for spending of less than \$180 million a year over the next couple of years, and some dribbles after that, on Aboriginal matters. I compare that with the Kelowna accord, wherein an average of \$1 billion a year would have been expended, starting this year, over the next five years. Yesterday, the Leader of the Government in the Senate told this chamber, yet again — as indeed the Minister of Public Works has just done *sotto voce* — that the Kelowna accord was just a press release.

I do not know why people on the government side persist in refusing to accept reality, which is that the Kelowna accord was a real accord, negotiated over 18 months, signed on to by every provincial and territorial government, the federal government and the Aboriginal peoples, and that the money for it was booked. Although the Leader of the Government in the Senate has never wished to table documents that would confirm that, those documents do exist.

The government's references to the Kelowna accord tend to belittle it. Not only do they suggest that the accord was a press release, they also suggest that it was not worth it anyway.

The Leader of the Government in the Senate may not like hearing laudatory remarks about the Kelowna accord from this side, but I was interested to read in today's *Toronto Star* the report of a comment by someone else:

We've existed for 140 years and we have this shameful situation that exists today . . . and why? Very simple. We stole their land. We drove the Indians, the Inuit, the natives off their land. I support it (the Kelowna accord) absolutely.

Those comments were made on national television on Sunday night by the Right Honourable Martin Brian Mulroney.

In the light of this frank and accurate statement by former Prime Minister Mulroney, will the government consider changing its position?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. As she knows, the Kelowna accord did not have a fiscal framework attached to it. Minister Prentice has stated on many occasions, just as Mr. Mulroney did on Sunday night, that the government is committed to the principles and objectives set out in the Kelowna accord. The Prime Minister has said this and so has Minister of Indian and Northern Affairs.

I do not want to go back to an old Question Period and remind Senator Fraser about something Eddie Goldenberg said in his book about the commitment of Mr. Martin when he was the Minister of Finance to this particular file, but, for the record, I shall repeat what I said yesterday, that budget 2007 clearly states that we will work in consultation with the First Nations to develop approaches for on-reserve property ownership. Under the budget, \$105 million over five years will more than double the size of the Aboriginal Skills and Employment Partnership program. The budget provides \$20 million over the next two years to support First Nations participation in the East Coast fisheries. The budget provides \$14.5 million over two years to expand the Aboriginal Justice Strategy. A new regulatory regime will be developed to oversee water quality on reserves based on the options raised in the report of the Expert Panel on Safe Drinking Water for First Nations. Minister Prentice will also work with First Nations, as I said yesterday and as Senator St. Germain alluded to, on an action plan to accelerate the resolution of specific claims.

• (1405)

Senator Fraser: Honourable senators, I hate to accuse the government leader of being in a state of denial, but that is what it sounds like to me.

As honourable senators know, a vote will take place in the other place today on a private member's bill, Bill C-292 — presented by a very eminent member of Parliament — essentially to reinstate the Kelowna accord, which did have a fiscal framework. In other words, the money was booked.

I am cautiously optimistic that that bill will pass in the House of Commons and will be sent to this place, where I also am cautiously optimistic that it will pass.

If the bill passes, will the government obey the law of the land — because the bill will be the law of the land once it gets Royal Assent — or will it on this occasion, as it so often seems to do, conclude that the law of the land is not relevant if it does not happen to coincide with the government's preferences?

Senator LeBreton: Honourable senators, the senator's last statement is false. The government has never arrived at the conclusion suggested by the honourable senator, as she knows. I shall not answer a hypothetical question. I shall await the results of the House of Commons vote on Bill C-292

[Translation]

THE SENATE

MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES—COMMENTS ON APPOINTEES

Senator Fraser: If I used the word “irrelevant,” it is because I recall asking the government leader last fall, I believe it was, about the government's proposals to hold what amount to elections of senators and mentioning that the proposed legislation did not refer to various constitutional requirements for senators, including the property qualification. I recall that, at that time, the Leader of the Government said that it was not relevant, even though it was in the Constitution. If I should not take that as a precedent, I suppose I should be pleased, but I do recall it happening.

Hon. Roméo Antonius Dallaire: Honourable senators, I believe in the multi-party system that is the foundation of our democratic system. It therefore always worries me when someone wants to work in a partisan environment. However, I would like to draw your attention to an article published in today's *Le Devoir*. In the article, the Minister of Public Works and Government Services and a Senator, Michael Fortier, who is here today, says that he dreams of leaving the Senate because it is a place where partisan politics abound and where:

... people pretend to be great Canadians ...

and where

... they are there because they know someone ...

My question is for the Leader of the Government in the Senate and perhaps for Senator Fortier, as well. Was Senator Fortier referring to Senators Andreychuk, Angus, Carney, Champagne, Cochrane and Comeau, or all the other senators from his party?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I did not see the article the honourable senator referred to, but I think we would all agree that everyone has different opinions, this is a free country and people are entitled their own opinions.

[Translation]

Senator Dallaire: Honourable senators, I agree that people are entitled to their opinions but we are nevertheless talking about the fundamental structure of our system of governance. I wonder what the Prime Minister said in his phone call to Senator Fortier that perhaps forced him to prostitute his core principles and obliged him to join us in this place where the people may not be quite at his level, unlike perhaps Senator Pearson or Senators Kirby, Pitfield, Lapointe or Watt. Perhaps we do not live up to his expectations.

[English]

Senator LeBreton: The fact is that, when the Prime Minister invited Senator and Minister Fortier to join the cabinet, there was a specific need. Senator Fortier agreed to join the cabinet and become a member of the Senate, but at the same time he made it clear that he intended to run for political office and at the first opportunity he will be doing so. He has already been nominated to run for the House of Commons in Vaudeuil-Soulanges.

[Translation]

Senator Dallaire: Honourable senators, I have no problem with someone seeking power and I do not blame them for wanting it. However, to obtain it, no one should denigrate the institution they are part of. I would ask the senator perhaps to read a book

FOREIGN AFFAIRS

ZIMBABWE—BREAKING OF DIPLOMATIC RELATIONS AND RECALLING AMBASSADOR

Hon. Hugh Segal: Honourable senator, in view of the events that Canadians have seen in Zimbabwe — the treatment of the leader of the official opposition by the police and the authorities in that country and the complete violation of international law associated with the rounding up of ambassadors from countries that are showing some support for the democratic process to have them threatened by the foreign minister of Zimbabwe — will the Leader of the Government in the Senate inquire as to whether there is active consideration of the formal breaking off of diplomatic relations with Zimbabwe until such time as that country is prepared to conform to the most basic of democratic and civil propositions relative to the administration of its affairs?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. The situation, as Senator Segal correctly stated, is deplorable. The Minister of Foreign Affairs is monitoring the situation in Zimbabwe; he has been dealing with various officials on this very serious matter.

As soon as Question Period is over today, I shall notify the Minister of Foreign Affairs of Senator Segal's question in an attempt to get the government's decision on the awful situation in Zimbabwe as quickly as possible.

• (1410)

Senator Segal: When the minister is making those inquiries, could she try to determine whether we might at least be prepared to call our outstanding ambassador, who has been doing a remarkable job in difficult circumstances, home for consultations? In that way, we can begin to send a message about the degree to which Canadians are deeply offended by the administration of affairs in that country.

Senator LeBreton: I will be happy to do that, Senator Segal.

about the Senate before leaving us so that he may learn about the institution and the people who work within it, as well as the work accomplished over the years.

[English]

Senator LeBreton: First, Senator Fortier is doing an excellent job as Minister of Public Works and is looking very much forward to being a member of Parliament in the other place, and I will be very happy to refer the recommended reading to him.

BUDGET, 2007

POTENTIAL TO PIT SMALL PROVINCES AGAINST LARGE PROVINCES

Hon. Jeremiah S. Grafstein: I have a question for the Leader of the Government in the Senate and it deals with the budget.

Is the government concerned that this budget is divisive — divisive in the sense that it pits small provinces against larger provinces and therefore undermines the unity of the country?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I do not believe anyone would suggest that, in light of the fact that Minister Flaherty was following recommendations of the O'Brien committee, struck by the previous government and chaired by the former Deputy Minister of Finance from the Province of Alberta. That formula was followed, although in a couple of cases the provinces were given the choice of staying with the existing programs or opting into this new program.

• (1415)

What is in place is a framework for future negotiations with the provinces. I hope no one would suggest that the budget pits one part of the country against another. That is a dangerous and irresponsible tack to take; hope no one would pursue such a course.

SUPPORT FOR CENTRES OF EXCELLENCE

Hon. Jeremiah S. Grafstein: Obviously, when five provinces claim that the budget is not a satisfactory solution to their particular needs, one has to pay particular attention. After all, this chamber is the house of regions; as such, we must concern ourselves about this issue.

Let me turn to another subject, and that is the question of research. The Minister of Industry, as well as other ministers, are concerned that Canada has fallen behind in terms of productivity and competitiveness. One thing we on all sides have said is that Canada should move into the knowledge economy. Then we learn, to our dismay, that our centres of excellence, which are making remarkable progress in terms of putting Canada at the forefront and cutting edge of the knowledge economy, has now had their budgets seriously gutted. A centre of excellence dealing with health had a budget prepared for \$300 million but it has been gutted to \$30 million.

Could the Leader of the Government in the Senate explain her government's turnabout, flip-flop, with respect to the words heard in the last campaign about the importance of research and the knowledge economy? Why did the budget gut one of the

leading centres of excellence in the world, our centre directed towards medical research?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): A great deal of money has been allocated to various scientific and health research bodies. I shall provide the honourable senator with a list of those by way of a delayed answer.

COST OF ACQUIRING FOREIGN ACQUISITIONS

Hon. Jeremiah S. Grafstein: My next question is related to international competitiveness. It is disturbing to discover that Canadian business now believes its ability to compete in the global economy will be detrimentally affected by tax measures in Monday's budget that deal with interest deductions on foreign acquisitions.

If I am reading the newspaper accounts appropriately, the cost of foreign acquisitions will materially increase, putting Canadian companies at a competitive disadvantage. Hence, on the one hand, the government talks about ensuring that we are more competitive internationally and that we improve our productivity — concepts that are accepted on all sides of the house — while on the other hand disabling and disarming Canadian businesses that want to move forward and compete in the world, putting them at a comparative disadvantage.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I am not sure to which newspaper article the honourable senator is referring. I shall take that question as notice also.

THE ENVIRONMENT

CLIMATE CHANGE INITIATIVES— SETTING OF OBJECTIVES

Hon. Grant Mitchell: It is a strong managerial maxim that if you cannot measure it, you cannot manage it, yet the new — or should I say neo-con — Conservative government has brought out a series of climate change programs, albeit a very limited series, without any kind of objective or target for what they might be designed to achieve in terms of CO₂ reduction.

My question is to the Leader of the Government in the Senate. How can she expect climate change programs, however minimal they may be, to operate effectively if the government has set no targets or objectives and is refusing to judge and measure such programs in the context of our Kyoto international obligations?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): First, the Minister of Environment has not yet rolled out the regulations the government is planning on the various environmental fronts.

• (1420)

The budget set out certain areas for the environment, including \$4.5 billion to clean our air and water, reduce greenhouse gases and protect our natural environment. It confirmed that \$1.5 billion will be disbursed to the provinces by establishing the ecoTrust for provincial and territorial clean air and climate

change programs. In addition, there is an allocation of \$2.2 billion for measures to support cleaner transportation, including a new rebate for fuel efficient vehicles, and today there was another announcement on that initiative.

We have introduced a \$93 million national water strategy to clean up the Great Lakes and Lake Winnipeg, for which I was glad to see Premier Doer of Manitoba pay tribute to the government. The budget also confirms \$225 million for the Nature Conservancy of Canada and provides funding for ecologically important lands in the Northwest Territories and B.C.'s Great Bear Rainforest. We also are phasing out the accelerated capital costs for general investments in the oil sands by 2015. These were some of the measures in the budget.

In terms of the regulations that the Minister of the Environment has been talking about, he expects to start making these announcements over the next little while. I can only address today some of the measures we put in the budget to assist the provinces and territories, the government and the public to start addressing some of these serious environmental issues, which I hasten to add were not dealt with in the past.

It was interesting that not one measure in Mr. Dion's announcement of last Friday would do one single thing to reduce air pollutants.

Senator Mitchell: It is breathtaking that the honourable leader would say that about Mr. Dion's climate change program, which is outstanding. I am struck that the Leader of the Government would stand in this house and brag about the expenditure of \$4.5 billion — this is profligate spending — if she cannot tell us what that \$4.5 billion is supposed to achieve. Could she give us hard numbers, objectives and figures to tell us how much that \$4.5 billion will reduce carbon dioxide equivalents in this country — or in the world, for that matter? Is she able to do that, or will she just throw \$4.5 billion away without any idea of what that money will accomplish? What kind of management is that?

Senator LeBreton: Obviously, the honourable senator did not listen to my answer. I was simply saying that the budget set aside \$4.5 billion to clean our air and water, reduce greenhouse gases and protect our natural environment. I also said that in a short period of time the Minister of the Environment will roll out the various plans and programs he has to meet these objectives.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the following questions: a question raised by the honourable Senator Dallaire on October 17, 2006, concerning CIDA project funding and delivery in the province of Kandahar in Afghanistan; a question raised by the honourable Senator Segal on October 31, 2006, regarding the income supplement for low-income workers; and a question raised by the honourable Senator Jaffer on February 20, 2007, regarding the promotion of security and equality for women in Afghanistan.

[Senator LeBreton]

NATIONAL DEFENCE INTERNATIONAL COOPERATION

AFGHANISTAN— CIDA PROJECT FUNDING AND DELIVERY

(Response to question raised by Hon. Roméo Antonius Dallaire on October 17, 2006)

Canadian International Development Agency's (CIDA) program in Kandahar Province:

The Government of Canada has made substantial financial commitments especially for stabilization and reconstruction in Kandahar and has been delivering on that funding. The security situation in Kandahar imposes severe constraints on the pace with which results like these can be achieved. Civilians are at risk, and aid workers depend on military protection provided by the Canadian Forces. But even in Kandahar, we are making progress. CIDA's Kandahar-specific initiatives complement our broader engagement throughout Afghanistan.

CIDA's Kandahar program currently includes the following:

Operation Hamkari: Demining Project in Kandahar Province \$3.8 million announced on January 9, 2007

Canada's contribution to the United Nations Mine Action Centre for Afghanistan is supporting Operation Hamkari ("hamkari" means assistance and partnership in the Dari language) in the Kandahar districts of Panjwai and Zherai. Over a 12-month period, approximately 2.9 million square meters of contaminated land are being cleared, and 27,000 Afghans in the districts, including children and youth, are being educated about the dangers of mines and unexploded ordnance.

Community-led Development in Kandahar City \$1.9 million announced on January 9, 2007

UN-HABITAT is working with the Afghanistan Ministry of Urban Development and Housing to establish 12 new democratically elected community development councils (CDCs) in Kandahar City. It is working with these and existing CDCs within the city to empower communities to implement their own neighbourhood development projects. Some 6,000 households are benefiting from this project, which seeks to rebuild communities destroyed by the conflict in Kandahar.

Maternal Health Initiative in Kandahar City \$350,000 announced on January 8, 2007

As part of a new multi-donor initiative led by UNICEF and the Afghan Ministry of Public Health to reduce maternal mortality throughout the country, Canada's contribution is supporting UNICEF's project in Kandahar Province. UNICEF is setting up a residential obstetric care facility next to Kandahar City's Mirwais Hospital, providing maternal and neonatal health care training at the Mirwais Hospital, and delivering a safe motherhood information campaign throughout Kandahar Province.

Literacy Program in Kandahar Province
\$1.4 million announced on January 8, 2007

UNICEF is expanding its literacy program in Kandahar Province, which currently provides training to 7,500 participants in 160 centers. An additional 155 community teachers are being trained and 4,600 participants, 80 per cent of them women, are attending a 10-month course combining reading and numeracy with basic life skills, and health and nutrition education.

Accelerated District Reconstruction Program in Kandahar Province
\$11.5 million announced on January 8, 2007

Canada is helping speed up the construction and repair of roads, aqueducts, and waste management and sanitation infrastructure, as well as refurbishing schools and clinics throughout Kandahar Province. Local district and village groups are identifying the priority needs in the areas of basic road infrastructure, irrigation, water supply, sanitation, and social services.

Assistance to Vulnerable Families in Kandahar Province
\$4.5 million announced on December 20, 2006

UNICEF is providing some 20,000 families with non-food items such as tents, blankets, and warm jackets, micronutrients for children and pregnant women, as well as health and medical supplies for hospitals and clinics. Through UNICEF, support is being given to the Afghan Department of Public Health to immunize as many as 189,000 children against measles and to the Afghan Department of Education to distribute education materials for about 40,000 students going to school in temporary centers.

Emergency Food Assistance to Kandahar Province
\$4 million announced on December 20, 2006

The World Food Programme (WFP) is providing food assistance to vulnerable families in Kandahar that have been affected by the conflict and by the drought. The funding is in response to the WFP's Drought Joint Appeal to help internally displaced people in Kandahar Province.

Emergency Food Assistance to Kandahar Province
\$4.9 million announced on October 23, 2006

The emergency aid is assisting the World Food Programme (WFP) to deliver food aid to vulnerable families from Panjwai and Zherai Districts that were displaced from their homes during the NATO-led Operation Medusa against anti-government groups. With this funding, WFP is providing 4,400 metric tonnes of food to vulnerable Afghans throughout the Kandahar region, which has been highly affected by drought.

National Rural Access Program in Kandahar Province
\$1.5 million announced on October 23, 2006

The National Rural Access Program aims to improve a road access network that connects rural households and communities to essential services, while providing badly

needed work for the vulnerable and poor. The project enables repairs and reconstruction to critical roads that improve access throughout rural Kandahar, directly benefiting thousands of Afghans throughout the southern region.

Provincial Development Committee Secretariat Support Team
\$100,000 announced on October 23, 2006

CIDA is recruiting seven local Afghan professionals to support provincial development planning in Kandahar. This newly established Secretariat Support Team is facilitating collaboration and priority-setting by the Kandahar Provincial Development Committee, the key governance and development body of the provincial Afghan Government.

National Area-based Development Program in Kandahar Province
\$3.4 million announced on October 23, 2006 and
\$3.1 million announced on October 11, 2006

The National Area-based Development Program (NABDP), an Afghan Government-led initiative implemented by the United Nations Development Programme, helps to improve the lives of rural Afghans by building rural infrastructure, providing access to services and supporting rural development. The program focuses on building and repairing schools, government offices, irrigation channels, water wells, health clinics and other critical services in rural communities.

In Kandahar Province, where needs are particularly acute, CIDA is supporting a focused NABDP approach to initiate a full range of district-based activities. The contribution, announced October 23, will support projects in all 17 districts of Kandahar Province. Canada's contribution, announced October 11, will support six infrastructure projects (repairs to four bridges, one mountain pass and the Ghorak Check Dams) that will improve the lives of 500,000 rural Afghans by facilitating access to markets, water, and other basic services.

Accelerated National Solidarity Program in Kandahar Province
\$2 million announced on October 11, 2006

The National Solidarity Program (NSP) is the Government of Afghanistan's mechanism for the development of rural infrastructure. The program seeks to reduce poverty by strengthening community level governance and by providing grants to communities throughout the country to implement reconstruction and development projects identified by communities themselves. Community development councils (CDCs) have been established throughout Kandahar Province, completing many infrastructure projects to improve irrigation, sanitation, roads, water and power supply. Building on this success, Canada's contribution is supporting the rapid expansion of the National Solidarity Program to two additional districts in Kandahar Province.

CIDA and Department of National Defence (DND) working together in Kandahar Province:

CIDA is a constructive and active partner to Canadian Forces in Kandahar so that the lives and prospects of all Afghans are improved. There is no reason that short-term reconstruction and long-term development cannot be done together and that is what this government is doing.

The security provided by the military creates an enabling environment in which development can increasingly take place. In geographic areas that are too insecure for most NGOs to reach, one viable option is for the military to provide the necessary access so that development can take place.

Developing relationships with the local people in the Afghanistan context is paramount. Winning hearts and minds can only be done through building trust and that takes time. The military can be used for short-term reconstruction, but this does not lead to a sustainable solution. The sustainable and longer-term solution is to build the capacity of the people and government to address their own development needs. This requires an expertise that does not necessarily lie with the military, as it is not in line with their *raison d'être*. It's through this approach that we'll eventually be able to successfully leave Afghanistan with the country able to take care of its own needs.

Accountability of CIDA aid to Afghanistan:

Accountability is extremely important for the Government of Canada. We have a rigorous accountability system in place to manage our development program in Afghanistan, from project selection and design through to implementation, monitoring of progress and evaluation of results.

Every CIDA-funded project has regular reviews to ensure that money is being spent properly and results are being obtained. These are done by CIDA, by reputable multilateral organizations such as the World Bank, or by independent third parties.

CIDA also has independent evaluators provide an operational review of the Afghanistan program every six months. Where risks are identified, CIDA takes corrective actions.

In addition, donors and the government of Afghanistan produce a biannual assessment of progress against the Afghanistan Compact benchmarks.

There is clear accountability for results from individual projects right up to national results.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

INCREASE OF GUARANTEED ANNUAL INCOME SUPPLEMENT

(Response to question raised by Hon. Hugh Segal on October 31, 2006)

In the course of departmental research and policy work, HRSD officials have highlighted the challenges faced by low-income working Canadians.

This government is taking substantive action in a number of areas to support the economic security of working families:

- Through the Canada Child Tax Benefit, including the National Child Benefit Supplement, we provide income support to low- and middle-income families with children. Federal investments will reach \$9.5 billion by 2007-2008.
- We are investing \$2.5 billion a year in the new Universal Child Care Benefit. All families, including low-income families, are receiving \$1,200 annually for each child under 6.
- Budget 2006 introduced the Canada Employment Credit, which will assist low-income Canadians with costs they may incur as they move into the labour force, and allow those already in the workforce to enjoy more of the rewards of their hard work.
- Overall, Budget 2006 provided comprehensive tax relief for individuals valued at almost \$20 billion over the next two years. As a result, about 655,000 low-income Canadians will be removed from tax rolls altogether.

In addition, in *Advantage Canada*, the November 2006 Economic Update, the Government announced that it will implement a Working Income Tax Benefit in Budget 2007. This advances the Budget 2006 commitment to work with the provinces and territories to further lower the welfare wall by introducing a Working Income Tax Benefit to make work pay for low- and modest-income Canadians.

NATIONAL DEFENCE

AFGHANISTAN—EFFORTS TO PROMOTE SECURITY AND EQUALITY FOR WOMEN AND GIRLS

(Response to question raised by Hon. Mobina S.B. Jaffer on February 20, 2007)

Gender equality is a crosscutting theme throughout CIDA programming. Gender equality results are systematically and explicitly integrated across all CIDA programming, including Afghanistan.

CIDA's work on rule of law and on microfinance, for example, also has a strong focus on equality of opportunity for women and men.

The projects listed below are only those where gender equality is the key mandate:

- CIDA is contributing \$56.35 million to the Microfinance Investment Support Facility for Afghanistan (MISFA). As of January 2007, MISFA was assisting over 215,000 women in improving their livelihoods.
- CIDA is contributing \$14.5 million to the Bangladesh Rural Advancement Committee — Afghanistan (BRAC-AF) to implement a project in collaboration with the Afghan Ministry of Education. The project is establishing up to 4,000 community-based schools and after-school learning programs, and is providing training for 9,000 new female schoolteachers. About 120,000 schoolchildren in 11 provinces (including Kandahar Province) will benefit from this project (85 per cent of them girls).
- CIDA is contributing \$4.95 million to the Integrating Women Into Markets program which is helping 1,500 women develop horticulture operations in home-based gardens to supplement family diets and generate income. This project will benefit over 5,000 Afghans who are family members of the women involved.
- CIDA is contributing \$1.4 million to UNICEF to expand its literacy program in Kandahar Province. An additional 155 community teachers are being trained and 4,600 participants, 80 per cent of them women, will receive training in reading, numeracy, basic life skills, and health and nutrition education.
- CIDA is supporting a Maternal Health Initiative in Kandahar Province. UNICEF will set up a residential obstetric care facility next to Kandahar City's Mirwais Hospital, provide maternal and neonatal health care training at the Mirwais Hospital, and deliver a safe motherhood information campaign throughout Kandahar Province.

The 'Strengthening the Rule of Law' project, supported by CIDA, is training justice professionals in gender and law so that women will have improved access to the justice system.

The Government of Afghanistan has identified equality between women and men as a priority in the Afghanistan National Development Strategy. Canada, among other donors, plays a supporting and facilitative role in this regard.

• (1425)

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I am pleased to introduce two pages from the House of Commons participating in the Page Exchange Program this week. On my left is Ms. Annie

Chu, from Delta, British Columbia. Ms. Chu is enrolled in the Faculty of Social Sciences at the University of Ottawa, where she is majoring in International Studies and Modern Languages.

On my right is Ms. Heidi Mitchell, from Thunder Bay, Ontario. Ms. Mitchell is enrolled in the Faculty of Social Sciences at the University of Ottawa, where she is majoring in International Development and Globalization.

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, for the third reading of Bill C-16, to amend the Canada Elections Act.

Hon. Serge Joyal: Honourable senators, I rise to speak at third reading of Bill C-16. First, allow me to comment on the interview given by Senator Fortier in which he judged all senators by stating that in this chamber senators play the role of great Canadians while acting for partisan purposes. I regret those comments because they affect senators on his side of the house as much as on this side; first and foremost, the Leader of the Government and Secretary of State for Seniors, for whom I have the greatest respect in the service of the Prime Minister of Canada, who appointed her. That does not make her a more credible or less credible senator. I use the example of the Honourable Leader of the Government in the Senate but I could use the name of any honourable senator in this house. It refers to the role of all senators in this place who have been involved in public life, whether at the federal, provincial or municipal level. When senators are appointed, they bring with them the baggage of their experience, knowledge, expertise and good faith. They come from various regions and minority groups, with varying official languages skills, including the languages of our Aboriginal senators. They come here with the dedicated will to contribute to the advancement of the freedom of Canadians and their quality of life. They remain determined to give back to this country what they have received.

I deplore such comments from a new senator. Perhaps if Senator Fortier had taken the opportunity to participate in debate in this chamber rather than just coming in and out for Question Period or participated on one of the Senate committees then he might have expressed a different opinion of senators. I hope he has such an opportunity in the near future.

Honourable senators, allow me now to share my reflections on Bill C-16. I thank Senator Di Nino for sponsoring this bill, which seems simple and basic in its intent to fix the federal election date. Bill C-16 provides that a general election be held on the third Monday of October every four years.

The bill touches upon three important constitutional principles. First, the Royal Prerogative of dissolution of Parliament is preserved as provided in clause 1. The second principal does not appear in the bill. It is a constitutional convention whereby a Governor General does not call an election unless he or she receives a request to do so from a prime minister. That has been a rule in the democratic life of Parliament for more than 100 years.

• (1430)

That constitutional convention is attached to section 50 of the Constitution that provides that every House of Commons will continue for five years from the day of the return of the writs for choosing the House subject to be sooner dissolved by the Governor General. Clearly, the Constitution recognized the power of dissolution of the Governor General.

In principle, the bill covers the area of the prerogative of dissolution, the constitutional convention through which the Governor General acts upon the request of a Prime Minister, and the third principle, which is the principle of responsible government.

What is the principle of responsible government? It is the root principle of our system, which is that a government must command a majority to be able to run the affairs of the nation. If the government loses that majority, of course the government must see the Governor General and ask the Governor General to either call an election or to call another potential Prime Minister. I will come back to this.

This bill seems to be simple in principle because it does not mention any of the intricacies or what happens in practice when these three constitutional principles are at stake.

Let me provide you with a simple assertion: This bill does not apply in situations of a minority government because you cannot fix the life of a minority government for four years for one simple reason. I have been a member of a minority government and as the Prime Minister of the day said, each day is one day. You never know from one day to the next if you will still have the control and the majority necessary to govern. Therefore, this bill clearly does not apply in the minority government situation.

You may think I am alone in that conclusion, but Professor Monahan from the University of Toronto, a key expert, testified on February 14 with respect to Bill C-16. He said:

Let me say first, senator, that I agree with you entirely that the practical effect of this will be much different in a minority situation than in a majority situation. In a minority situation, we will continue to have the practical possibility of an election occurring prior to the fourth Thursday in October in the fourth year, whatever the terms are of subsection (2).

That is the testimony from our expert. In other words, the bill does not concern the present situation in the other place, not at all. If we adopt this bill, an election can be called any time this week, next week or the months ahead. This bill has no impact on the situation of a minority government.

Let us talk about when this bill applies. It applies normally in the situation of a majority government. What happens in a majority government situation? Honourable senators, many

situations can occur in the context of a majority government. The first situation that can happen is that a majority government, through an accident, can lose an important vote; that happens. It happened during the Pearson years. Those who remember here will remember Mr. Pearson lost a vote because of XYZ reasons; some members were not there. That is the first scenario.

The second scenario is that the government may engineer its own defeat. The government may decide it will put its survival to one vote and manage to lose this vote. Of course, I have an example. On January 28, 2007, *The Globe and Mail* said that the Prime Minister had no incentive to engineer his government's defeat and trigger an election during the spring session of Parliament. This is something that happens. I do not want to impugn any motive. I said this is another scenario that can happen.

Let me talk about the third scenario. This is the scenario whereby this house, because we are a bicameral Parliament, refuses or delays the passage of a bill to the point where the government feels frustrated to implement its agenda and wants to call on the people. I do not need to provide examples; immediate examples come to mind.

The fourth scenario occurs when the government has spent its agenda. It has already implemented fundamental points of its agenda. The present government has five points in their agenda. I understand that when they have implemented the five points of their agenda they will want to go back to the people, to test the will of the people.

Let me provide the fifth scenario: A government is facing a situation whereby it needs to obtain a mandate from the people; there is a new, difficult situation and the government must obtain a mandate. This scenario is in sync with the nature of getting people to support the government's policies.

Honourable senators, all the scenarios that I have described have nothing to do with trying to undo the level playing field this bill is supposed to achieve by providing every political party the capacity to face the election at par. It is clear to everyone it will happen the fourth year. This objective, which is a commendable objective, runs contrary to the principle of responsible government in the five scenarios I have outlined.

Let me provide another scenario that runs counter to the power of dissolution, the Royal Prerogative of dissolution. This bill, being adopted, provides for an election in the fourth year.

Suppose for XYZ reason, the Prime Minister does not go to the Governor General for dissolution of Parliament because Parliament is still in the middle of a debate on an issue that the government feels strongly about. The government is not ready to go to the people. I have been a member of a Parliament that has lasted more than four years. I do not have to provide the details; we can look for examples in the history books.

What happens in that situation? Does the Governor General read Bill C-16 to the Prime Minister stating that he or she is due to ask for dissolution because it is the fourth year and it is past the date.

Honourable senators, what would happen in the context of the use of this bill in the partisan political context of an election call? Even though the bill in principle does not affect the substance of the Royal Prerogative, it could put the Governor General in a dire position, affecting not the substance of the prerogative of dissolution, but the exercise of the prerogative. There are two levels. It does not affect the principle of responsible government, but in practice, it makes the implementation of the principle responsible government more difficult in the five scenarios I have outlined to you.

On the principle of advising the Governor General from the Prime Minister the constitutional convention I have referred to before, it makes it more difficult for a Prime Minister to act on the convention.

In other words, this bill has an impact on each of those three principles. As much as I concur with the honourable senators, and Senator Di Nino has been an outspoken supporter of the bill that it will level the playing field, we all know that countries that have fixed election dates are not the most democratic countries in the world. Let us look south of the border, where they have mixed election dates at the municipal, state and federal level. There is not a democratic country in the Western world where participation in elections is lower, unfortunately. It is not because we are adopting a bill that fixes elections at a specific date after the fourth year, that we are drastically improving the democratic exercise and life of this country.

• (1440)

This bill provides, in fact, as one of the witnesses, Professor Smith, put it, for a flexible fixed election date. In other words, we have both objectives at the same time. We juggle with the practice and the theory. That is why the famous Professor Smith has mentioned clearly —

Senator Comeau: Five minutes.

Senator Joyal: Thank you. I shall conclude within five minutes.

It is not because this bill seeks a positive purpose by creating a level playing field amongst the parties that it will achieve the democratic exercise that characterizes our parliamentary democracy. There is a discrepancy between the principle and the implementation in the practical political life. It is important, honourable senators, to understand that, because being a chamber of sober second thought, we may see different scenarios arising in the forthcoming years with this proposed legislation that will add to the political “game” another element that may fundamentally change the way we practise parliamentary government in our system.

That is why Professor Smith contended that this bill fits neither the theory nor the practice of parliamentary democracy. When I read this bill carefully, as all members of the committee did, I noticed that at clause 56.2(1) of the bill — and we questioned witnesses on this — that something was missing.

Honourable senators, clause 56.2(1) reads as follows — and I quote:

If the Chief Electoral Officer is of the opinion that a Monday that would otherwise be polling day under subsection 56.1(2) is not suitable for that purpose, including by reason of its being in conflict with a day of

cultural or religious significance or a provincial or municipal election, the Chief Electoral Officer may choose another day . . .

I repeat, honourable senators:

If the Chief Electoral Officer is of the opinion that a Monday . . . is not suitable for that purpose, including by reason of its being in conflict with a day of cultural or religious significance or a provincial or municipal election, the Chief Electoral Officer may . . . recommend to the Governor in Council that polling day be . . .

— postponed for a week.

In other words, in reading this, one is led to question what “cultural or religious significance” means. There could be a panoply, if not a rainbow, of reasons — and I insist on the rainbow of reasons — or it may be anything the Chief Electoral Officer qualifies as cultural or religious.

Of course, there has been in our past history another reality that we have to deal with — that is, provincial referendums. If the Chief Electoral Officer is allowed to postpone the date of a municipal election, should he not be authorized to postpone the date of a provincial referendum? We all know that many provinces have referenda legislation, such as British Columbia, Manitoba, Quebec and other provinces that call upon provincial referenda, which are totally democratic exercises.

We asked the Chief Electoral Officer of Canada, Mr. Kingsley, whether he would be authorized to postpone an election date for a week or so if there were a conflict with a provincial referendum. I shall quote Mr. Kingsley’s answer, provided on January 31.

You are correct when you say the bill would not allow the Chief Electoral Officer to recommend postponing a general election because of a scheduled provincial referendum. There is no question about that.

We received more or less the same answer from the Chief Elections Officer of Ontario on February 14. Some of us contended that the term “suitable for that purposes” could include a provincial referendum. The following is the answer from the Chief Elections Officer of Ontario, Mr. Hollins, which has fixed election date legislation. I quote:

I am always wary of “suitable purpose.” Any time I am given legislation and the people giving it to me have not defined what the terms mean, I am not sure exactly what their thought processes are.

MOTION IN AMENDMENT

Hon. Serge Joyal: I move, seconded by Senator Robichaud:

That Bill C-16 be not now read a third time now but that it be amended in clause 1, on page 1, by replacing lines 23 and 24 with the following:

“religious significance, a provincial or municipal election or a federal, provincial or municipal referendum, the Chief Electoral Officer may”.

Hon. Consiglio Di Nino: I will restrict my comments today to the honourable senator's amendment, although I am tempted to make a few brief remarks on the thoughts the honourable senator expressed in particular on the royal prerogatives and other constitutional components of the bill.

We had, I believe, overwhelming evidence, certainly a large body of opinion, that was quite specific and clear that section 50 of the Constitution and section 4 of the Charter of Rights and Freedoms were not affected by this bill. In effect, the comments that the honourable senator made would not have unanimous opinion by everyone. However, I think it was quite clear in the evidence we heard that these powers and prerogatives are not affected and in effect are preserved by this bill.

With respect to the proposed amendment, it is certainly my opinion, and I believe that we have had considerable testimony as well, that Bill C-16 is already flexible enough to allow for this possibility. It is broadly written, sufficiently so, to allow the Chief Electoral Officer to recommend changing the polling date if it conflicts with events such as a referendum. However, a referendum would not necessarily be precisely included in there, and it was not. I would say that nothing is more analogous to a provincial referendum than a provincial election.

There are certainly examples, and I shall provide one. Since the honourable senator raised the issue of the Ontario election, the Chief Elections Officer just recently recommended a change in the fixed date, which was slated to take place in Ontario on October 4, 2007, because of a particular opinion on his part that the date would conflict with a religious holiday. He recommended October 10, which was accepted by the Lieutenant Governor in Council.

I would like to reflect more on the comments made. I ask permission from the Senate to adjourn the debate and continue probably tomorrow.

• (1450)

The Hon. the Speaker: Senator Atkins would like to ask a question.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Is it on the adjournment?

The Hon. the Speaker: We have a practice in this place that when an honourable senator indicates that he or she will move the adjournment and someone else wants to intervene, we then allow that other senator to intervene.

Hon. Norman K. Atkins: I thought that Senator Joyal made a good argument. I was surprised by his amendment.

I would ask Senator Di Nino: Does he not think this bill is moving toward the Americanization of our parliamentary system?

Senator Di Nino: It is a very simple answer: no, in my opinion. I remind the honourable senator that one of our provinces, British Columbia, has already had an election on a fixed election date. I also remind the honourable senator that on October 10, there will be a fixed election under the laws of the Province of

Ontario. Newfoundland and Labrador has also put in similar legislation. A number of other countries around the world have fixed election dates.

No, I do not agree with the honourable senator.

Senator Atkins: The fact that these two provinces and the territories have made this decision does not prove that it is right. Should we not wait and see just how well they make out before we start making amendments or bringing bills before this place?

Senator Di Nino: I would like to remind all honourable senators, and in particular Senator Atkins, that this piece of legislation is to keep a promise made by the Conservative Party during the election, that it was passed without amendment, with all-party support, in the other place, and that a poll of Canadians unanimously and overwhelmingly supported the initiative.

I agree with Senator Joyal in that this is not a simple bill. No bill is ever simple. Each bill has components to it that have repercussions on the lives of Canadians. In this case, the issue is fairness and transparency. It takes away from the Prime Minister the right to call an election when he or she feels it is politically expedient and to the particular party's benefit. I detected some cynicism in the question. I apologize to my colleague. I do not mean to sound this way. We must remember the principal purposes of this legislation, and I believe they will be achieved fully in this bill.

Hon. Anne C. Cools: Will the honourable senator take a question?

I believe I heard the honourable senator state that the Prime Minister of Canada is surrendering rights. I would like to begin by disagreeing with that point of view. The Prime Minister of Canada is surrendering nothing.

We must understand that the fundamental principle of our system of government is that power is held by governments precariously, that a government can be removed overnight; in other words, the right in respect of elections accrues to the citizens, not to prime ministers. This bill is proposing to remove from the citizens their right to have an election can be called any day of the week at any time, even if there is a terrible, evil Prime Minister that a party is insisting on keeping in power. They have existed in time.

I want the honourable senator's opinion or statement on this point. The loss of rights is not that of prime ministers. The Prime Minister would be acquiring a lot from such a proposal. The loss of rights is that of the citizens, the Queen's subjects.

Senator Di Nino: I will answer the question and then I want to ask a question of my own.

Senator Cools: I would be happy to answer.

Senator Di Nino: No, my question is not to the honourable senator.

I am happy to answer questions. My concern is that it will take away my time from completing my comments tomorrow. I will answer this question, but I respectfully ask that no further questions be posed because I will not answer them.

I did not say that the Prime Minister is giving up a right. I am saying that this bill, in effect, in its retention of the potential loss of confidence, does not take away that parliamentary responsibility, which is and essential part of the responsible system of government that we have. It is still there. We must not under our system of responsible government do away with the fact that when a government loses confidence, an election should and must be held.

As much as I would like to review my comments, I do not believe I said it is a right of the Prime Minister. I believe I said that it is an abuse. Perhaps I should have said a misuse of the abuse of the power of a prime minister, which, under this bill, will be eliminated.

The Hon. the Speaker: My understanding is that Senator Di Nino would now like to put his motion that the item be adjourned until the next sitting of the Senate for the remainder of his time.

Senator Cools: Your Honour, I object very strongly. You choose to stand up and cut me off. The use of the Speaker standing should not be used to cut off a person in mid-sentence.

The Hon. the Speaker: Order.

Honourable senators, Senator Di Nino has moved, seconded by Senator Oliver, that further debate on this item be continued at the next sitting of the Senate for the remainder of Senator Di Nino's time. Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Di Nino, debate adjourned.

BILL TO AMEND THE LAW GOVERNING FINANCIAL INSTITUTIONS

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Gustafson, for the second reading of Bill C-37, to amend the law governing financial institutions and to provide for related and consequential matters.

Hon. Mac Harb: As honourable senator will know, the Bank Act was up for review at the statutory five-year term and both Houses, the House of Commons as well as the Senate, will have to approve Bill C-37 no later than April 24, 2007. That is why this piece of legislation is so urgently relevant and we need to collectively work on it as a team so that it will go through all of the necessary readings and be proclaimed.

Obviously, the review process will involve consultation with stakeholders, industries, consumer groups and the public at large. It came to us with a number of proposals, some of which are extremely important.

• (1500)

Others are relevant to the industries. In essence, they help industries to be more efficient and transparent. Others have also benefited the consumer. I will briefly touch on some of those issues, but not all, because I would like to see this bill referred to committee as quickly as possible so that we can, from the Senate side, have an opportunity to hear from some of the stakeholders.

As honourable senators know, Bill C-37 follows what the previous good Liberal government had proposed in its White Paper discussion, and the vast majority of the recommendations came out of that paper. It is not a surprise that senators on this side of the chamber are supportive of the bill. After all, it was the good work of the previous Liberal government.

Several elements of the bill are new. One of these elements deals with disclosure. When a consumer goes to a bank to perform a transaction, the bank will have to disclose information in a timely fashion so that the consumer, whether an individual or a business, will have the opportunity to make a decision based on information available to him or her.

Another element that arose as a result of the 2001 review was the definition of an institution, whether large, medium or small. It used to be that a large institution was any organization with capital greater than \$5 billion. That number has been changed to \$8 billion. A medium-sized institution would be anything between \$2 billion and \$8 billion, and anything below \$2 billion would be considered a small institution.

Another important element of the bill deals with the use of electronic cheque imaging. Regarding cheque clearance, the way it used to be done in the past is the following: Say, for example, you have written a cheque in Newfoundland and the bank that is supposed to be clearing the cheque is somewhere in Ottawa. That particular cheque would have to be moved, whether by air or boat, all the way from Newfoundland to Ottawa to be physically in the hands of a clerk in Ottawa in order to be cleared.

With the technological revolution, things have changed and the beneficiaries of the changes are the consumers. With the introduction of electronic cheque imaging, clearance of cheques can be done much faster. Therefore, if you were to deposit your cheque in a bank, you would have the opportunity for it to clear much faster.

The benefit here is immediate. Why is that? A contractor who is receiving a cheque will have to deposit that cheque and wait until the cheque is cleared so he can pay his subcontractors. As honourable senators can appreciate, a reduction of one or two days in the clearing process would mean an improvement to the business transaction and to the whole business conduct of that particular operation.

Therefore, there is a benefit. That benefit could be tangibly felt as the contractor might have been forced to take the cheque to the local payday office in order to access the cash immediately. The contractor might have to do that rather than wait the seven or 10 days for his cheque to clear the bank. He would be forced to take the money at a discounted rate to pay his subcontractors.

What the government has done, as a result of the previous government's work, is benefited the little guy or lady on the street by saving them money and time.

Another change to the bill concerns credit unions. In the past, one needed to have 10 credit unions in order to form a cooperative. That rule has been changed and it is now easier for a credit union to form a cooperative.

There is another important change to the bill that everyone involved in the purchase of a home or property would know about. The requirement would be to put a 25 per cent down payment on the house and then pay insurance on the 75 per cent of the value of the property.

We all know that many consumers, with the price of housing, may not be able to afford the 25 per cent down payment required under the previous rules. This particular bill introduces a mechanism whereby a consumer could come up with a 20 per cent down payment and therefore would be able to have a mortgage for 80 per cent. This is a direct net benefit to the consumer that could be felt immediately once this bill is proclaimed.

There are other housekeeping items that will help the banking and financial community to be more efficient in conducting international business. In the past, banks were required to have a two-thirds majority of Canadians on their board of directors. Now, living in a global community, we have to move with the times. That requirement has changed to a simple majority. This will encourage and assist banks to attract talent from around the globe. When a bank is doing business in Latin America or Asia, it will be a net benefit to have directors from that part of the world on its board. With the limitations imposed in the past that was not feasible.

I could go on at length about what is not in Bill C-37; however, what is not in the bill is not in the bill and is therefore outside the scope of what we are talking about here today. It is my hope that this house will move quickly to refer the bill to committee for the opportunity to examine it closely. We can look at some of the amendments in more detail and hopefully pass it as quickly as possible.

The banks are owned by the people. The banks in Canada are on a solid footing because the Government of Canada, when it first introduced the Bank Act, thought things through. The banking and financial community in Canada is the envy of the world. While these institutions are large employers, they are owned by pensioners, teachers, workers, unions; they are owned by individual Canadians as well as by corporations.

It is a privilege for me to have the opportunity to speak on Bill C-37 and I hope we refer it to committee as quickly as possible.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: When shall this bill be read the third time?

[Senator Harb]

On motion of Senator Angus, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

• (1510)

CANADA ELECTIONS ACT PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Nolin, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-31, to amend the Canada Elections Act and the Public Service Employment Act.

Hon. George Baker: Honourable senators, Bill C-31 is perhaps one of the most interesting pieces of legislation to come before the Senate in a long time. It deals with the question of whether or not you agree that somebody's age, their date of birth, should be known to the entire world — that is, that it should be distributed to all political parties, all persons who campaign for politicians and all politicians as a part of a mail-out by the Chief Electoral Office.

Senator Milne: All forgers and imposters.

Senator Baker: That is the question that the Privacy Commissioner has highlighted, as have several other people.

Let us not forget, honourable senators, that this bill passed through the House of Commons very quickly. There were a few objectors, but not many. After it passed third reading there, an editorial appeared in the local paper, the *Ottawa Citizen*, calling on the Senate to intervene. This was three weeks ago. The final sentence says:

Unless the Senate demurs, voters may expect peppy birthday greetings from MPs to follow shortly. So much for Parliament's respect for privacy.

The lead up to the editorial was that the Privacy Commissioner, Jennifer Stoddart, objected to this piece of legislation, saying, according to the editorial:

One of the basic rules of data protection is that personal information should be collected and used sparingly and in proportion to the problem it is intended to address.

The editorial goes on to say that all parties can get their eager little hands on this information. Ms. Stoddart and former Chief Electoral Officer Jean-Pierre Kingsley urged the MPs not to do it, but the MPs in the other place passed the bill, so we are now left with the request by the Privacy Commissioner and the Chief Electoral Officer and by many Canadians, not to allow people's date of birth, their day of birth, their age, to be circulated throughout Canada.

When I read this editorial about this piece of legislation before us, I wondered about the case to be made that your date of birth and your age should not be allowed generally. I was thinking about somebody checking their MasterCard statement on the

telephone. You phone up, and they say, "Read the numbers on the front of the MasterCard," so you read the numbers. Then they say, "Could you now, for security reasons, give your year of birth followed by the number sign." Once you do that, then they say, "Give the month of your birth, followed by the number sign." Then they say, "Give the day of your birth, followed by the number sign." Then you are into your MasterCard account and you can do with it whatever you please.

I do not think that the objectors to this legislation are far off when they say this is perhaps one of the most important pieces of legislation to come before the Senate. Unfortunately, all the members in the other place voted for it unanimously. As the editorial said:

But the bill, which sailed through final reading in the House of Commons last evening, pays no heed to her legitimate objections.

It is an interesting piece of legislation. The Standing Senate Committee on Legal and Constitutional Affairs will find it very interesting, I am sure.

This bill also gives every voter a personal identification number. The research bureau points out that the proposed amendment is silent on the issue of whether social insurance numbers may be used to identify a voter.

Clause 7 of the bill is fascinating. Let me read it. In updating the register of electors:

... the Minister of National Revenue may, on a return of income referred to in subsection 150(1) of the Income Tax Act, request that an individual who is filing a return of income under paragraph 150(1)(d) of that Act indicate in the return whether he or she is a Canadian citizen.

That is the first point.

Then it says:

For the purposes of updating the Register of Electors, the Minister of National Revenue shall, at the request of the Chief Electoral Officer, provide the name, date of birth and address ... to the Chief Electoral Officer. ...

That clause gives authorization to the Minister of National Revenue to, first, put it on an income tax return and, second, authorize your date of birth to be given to the Chief Electoral Office.

It goes on in clause 11 to say that no apartment building, no gated community, no multi-residence building shall deny, from the hours of 9 a.m. to 9 p.m., any canvasser from arriving at the door.

Clause 12 says that no person who is in control of a building, land, street or any other place, any part of which is open without charge to members of the public, whether on a continuous, periodic or occasional basis, including any commercial, business, cultural, historical, educational, religious place, shall deny access to canvassing by political parties. Then there is a reverse onus in the next paragraph, which says that if religious or cultural organizations do not like being canvassed, they have to prove that

their place is not conducive for the purposes of campaigning. It comes after the fact.

Is there anything else there of any great interest? One clause deals with the candidate's representative in the polling booth. This is a new system. Right now, somebody in Bible Hill, Nova Scotia, Aunt Susie has her name on the voters' list and everyone knows Aunt Susie. After this bill passes, Aunt Susie will have government authorized picture ID to present before she can vote. Aunt Susie better have a driver's licence or Aunt Susie could be in serious trouble. Although everyone in that polling booth may be her relative, she will not be able to vote under this new legislation. Barring that, she could have two pieces of identification that are approved by the Chief Electoral Officer. Barring that, she has to have somebody who has this ID swear that she is who she claims to be, and then she is informed what will happen to her under the Criminal Code if she is not Aunt Susie. It changes the complete complexion of voting right across Canada.

• (1520)

Under proposed section 144 of the act — which is amended at clause 21 in the bill — the deputy returning officer, poll clerk, candidate or candidate's representative, if he or she has doubt about a potential elector, can request that the individual, even if he or she has photo ID, take the prescribed oath.

Further on in the bill, the summary offences are outlined. It is a summary conviction offence to violate any of this. As honourable senators know, we just passed a bill that allows somebody to go back five years after an offence is known before they have to lay a charge and 10 years after the offence takes place. The Legal Affairs Committee tried to change that — all the members agreed to change it — but not the government, so now we are left with that.

In conclusion, do not forget that this bill, which the editorial writers, the Privacy Commissioner and the Chief Electoral Officer are telling us to change, authorizes the Minister of National Revenue to include on an income tax return the choice of whether or not the filer's date of birth can be passed along to Elections Canada. This bill, honourable senators, authorizes the use of that information. The Minister of National Revenue may request that information — and I read it out to you, word for word.

The bill before us passed four weeks ago in the other place with little debate, practically unanimously. It is now before the Senate. Guess what is included, for the first time in Canadian history, on the income tax return being filled out by taxpayers this year? Let me read the paragraph to honourable senators:

As a Canadian citizen, I authorize the Canada Revenue Agency to provide my name, address, and date of birth to Elections Canada for the National Register of Electors.

You can imagine the interesting time the chair will have in the Legal Affairs Committee when this bill is before it. I would suggest to honourable senators that perhaps amendments are in order — amendments that I think would be supported by all senators.

Hon. Senators: Hear, hear!

Hon. Gerald J. Comeau (Deputy Leader of the Government): Would the honourable senator entertain a question?

Senator Stratton: Entertain is the word for it.

Senator Comeau: I will not ask for Aunt Susie's phone number; I am happily married. However, I should like to ask a question.

My understanding was that the original bill did not include a full birth date. Does the honourable senator know when the change took place to include a full birth date, rather than just year? The polling clerks are able to estimate an individual's just by looking at the person; they do not need a birth date. My understanding was that the original bill did not include that. Does the honourable senator know who changed that?

Senator Baker: That is a very interesting question, one that perhaps could result in the unanimous approval of the Senate for amending this legislation to make it appropriate. The honourable senator is absolutely correct; in fact, the government was opposed to this in the original bill.

Senator Comeau: That is right.

Senator Baker: What happened? The House of Commons, whose members are interested in able to campaigning everywhere and getting everyone's information so they can send Christmas cards, held committee hearings on this bill. The committee made a unanimous decision and took it to the House of Commons. The House of Commons then all agreed — let us not forget that. The bill was passed by the House of Commons with the support of the Conservatives, the Liberals and the Bloc. That was the process, but the honourable senator is absolutely correct. The government ended up voting for it, but it was not the government that proposed it in the first place.

Senator Comeau is absolutely correct. I hope he would agree that an amendment is in order, keeping in mind what the Privacy Commissioner said, which was that one of the basic rules of data collection is that personal information should be collected and used sparingly, in proportion to the problem it is intended to address.

In other words, if it is a problem of fraud, you do not tear down the entire system and have Aunt Susie walk in and not be able to vote because the people sitting there, who are all relatives of hers, tell her she cannot vote. It is relative.

I do not understand the necessity of having the date, the month and the year. How about the decade? Everything is relative, but it is certainly something we should take to the committee.

Senator Comeau: I think I heard Senator Baker say that, for the very first time, this year's income tax return asks the permission of voters for Revenue Canada to send the information to Elections Canada. I would like him to reconsider that. I know I have been signing that box for a number of years now, asking me if I am agreeable to having my personal information sent on to Elections Canada.

Hon. Robert W. Peterson: It was the name and address.

Senator Baker: I can elaborate on that. Yes, there was a request to that effect, but what is in dispute is the section regarding the date of birth.

It is an interesting question, even to itself, because although the authorization is given to Revenue Canada to collect the information to pass it on, we have still not given permission to the Chief Electoral Officer to put it on a list to be supplied to everyone who asks for it in other parts of Canada. Whereas there may be a fault that has taken place, it is not past correction if we were to amend the bill. I think the chair would agree with that. He is the expert; he is the professor of law, so he would know that. He is nodding his head so we have approval on that.

Hon. David P. Smith: Would the honourable senator take a further question? I am very sympathetic to the Aunt Susie situation, but I live in a very different environment in downtown Toronto.

I am curious about the honourable senator's reaction as to how the following problem should be dealt with. In the last election, particularly — and I am not blaming any particular party — in ridings where the NDP does very well, there was a pattern of thousands of voter-day registrations, where identification is nothing more than, say, a label from a magazine or a voter card that might be in the garbage in some apartment building. In one particular riding in the last election, where a Liberal was defeated, there were literally thousands of voter-day registrations — 12,000 in that one riding alone of voter-day registrations — and it made the difference.

Does the honourable senator have any thoughts on how to address that?

Senator Baker: That is an interesting question and I think the answer lies in this. We have a law that is followed. We have a system in place to identify voters on a voter's list and for the swearing in of voters, and it is a fairly good system. Some violations could take place, perhaps, but the honourable senator claims that thousands of violations took place. I would suggest that if that is so, then there might be a problem in the carrying out of the law in that particular polling booth.

• (1530)

Bill C-16 provides that no one person can vouch for more than one other person. That is an interesting provision because, for example, if a group of senior citizens from a long-term care facility were to arrive at a polling booth with their representative but without their respective photo identification, it would be expected that the representative from the facility would vouch for them. However, under the terms of this bill, they could no longer do that because one person is able to vouch for one person only and no one else. I understand that provision is in the bill to solve the problem that occurred in Toronto, I believe, of one person swearing in many people. That would be against the law should this bill pass and honourable senators can imagine the problem that would be created and can understand the difference between rural Canada and a serious urban problem.

I believe that it was Ms. Stoddart who identified it correctly when she said that the remedy proposed in this bill is like a sledge hammer being used to fix a problem that needs only a toothpick to correct.

Hon. Romeo Antonius Dallaire: The honourable senator mentioned the national identification card. I have experienced the abuse of national identification cards. What information will

the government put on the card? It could put some of the data mentioned by the honourable senator but it could also add information such as ethnicity. When a country finds itself in difficult times, governments sometimes overreact, as we have seen post 9/11 with the enactment of the Patriot Act in the U.S. and some actions here in Canada. Many honourable senators recall the plight of the Japanese and Germans in Canada during World War II and even Ukrainians in World War I.

Is this not a way of sneaking in a national identification card that is, in my view, the most horrific instrument that the government could ever create because Canadians would never know the full extent to which it could be utilized?

Senator Baker: Several representations were made to the Standing Committee in the House of Commons in this regard. The research bureau of Parliament has pointed out in their paper on this matter that accompanies the bill that it was agreed that a randomly selected number would have certain identification attached to it that could be used only for purposes of the Canada Elections Act. However, it falls short of what was demanded — that the identification number randomly selected could not be an individual's social insurance number. Representatives suggested in their testimony before the committee that a provision be put in the bill whereby the randomly selected number could not be a social insurance number. Some representatives demanded that be done but it was not done by the committee.

Some honourable senators might wish to address that concern when the bill arrives at committee.

[Translation]

The Hon. the Speaker *pro tempore*: It is moved that Bill C-31 be read for the second time. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Yes.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

CANADA TRANSPORTATION ACT RAILWAY SAFETY ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Hugh Segal moved second reading of Bill C-11, to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts.

He said: Honourable senators, it is my pleasure to address the Senate today on Bill C-11, to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other acts related thereto.

I do not stand as an expert on transportation. Living in the city of Kingston, I can underline that there is no city in the country that has a higher per capita use of VIA Rail services than the city of Kingston, Ontario, of which we are very proud. There are provisions in this proposed legislation that will be of immense value to those who use the passenger rail systems across the country. I would be delighted to explain.

I will address the bill with my lack of detailed expertise for the same reason that I accepted an opportunity to speak before the Canada Nutrition Council about one and a half years ago. It was apparent from my arrival at the meeting and my stature before the microphone that I had no advice to offer to anyone on matters of careful and balanced nutrition. Nevertheless, I believe that the issue of nutrition is compelling and, if we understand the history of our country, we know how important transportation is; therefore, I am honoured to share my thoughts with honourable senators and submit my case for their consideration.

As honourable senators know, the Canada Transportation Act is the legislative framework for regulatory and economic activities in the rail transportation and air sectors and covers a number of general matters such as the role and responsibilities of the Canadian Transportation Agency. The Government of Canada has had a legislative strategy to update and improve the Canada Transportation Act based on former Bill C-44, which was tabled in March 2005 by another administration. I can say to all sides of the house that the legislation that I move at second reading today has, as its technical and substantive content base, multi-partisan roots that speak to the best efforts of both major parties represented in this place on the matter of transportation.

Bill C-44 reflected extensive consultations dating back to the statutory review of the Canada Transportation Act that took place in 2000-01. I am delighted to report that the former Institute for Research and Public Policy, where I worked at the time, was very much involved in that review, specifically as it related to the rail and grain-handling sectors in Western Canada.

The review led to the introduction of Bill C-26 in February 2003, which died on the Order Paper later that year. As a result of extensive consultations, there was a fairly broad support for many of the provisions then contained in Bill C-44. Indeed, there was strong support for moving on it as quickly as possible. Sadly, the bill was too ambitious and tried to address too many issues at once, a classic example of legislative overreach, and it too, died on the Order Paper.

In order to proceed as expeditiously as expeditiously as possible, the government's current legislative approach involved dividing the old Bill C-44 into three more manageable and focussed bills, easier for both comprehension and appropriate scrutiny. The first bill, Bill C-3, in respect of the International Bridges and Tunnels Act, was recently passed by this place and received Royal Assent on February 1, 2007. The IBTA provides a legislative framework for international bridges and tunnels in a host of important areas.

• (1540)

The second bill is the bill I speak to now, Bill C-11. The third bill, which is now before cabinet, will address the rail freight provisions of the Canada Transportation Act. It will improve the

shipper protection provisions that address the potential abuse of market power by the railways. There were extensive consultations with shippers and railways on this issue in 2006.

Let me come now to the bill before you for second reading, Bill C-11. It deals with a range of topics, such as the Canadian Transportation Agency, reporting on the transportation sector, air services, passenger rail, including urban transit, railway noise and the grain revenue cap. Among other things, changes in the bill will help improve the quality of life in many communities across Canada.

I would like to note that the Standing Committee on Transport, Infrastructure and Communities in the other place heard from a variety of stakeholders and put forward a number of improvements to the bill, which were incorporated, and that bill passed, on division, on third reading on February 28.

Let me now address the main elements in Bill C-11 for honourable senators' consideration. The Canada Transportation Act includes a statement on national transportation policy. It will modernize and simplify the present policy statement, but most important, it will add security and sustainable development to the policy principles that should govern the regulation of transportation in Canada. These days, both national security and environmental responsibility are fundamental principles that transportation would benefit from immensely.

Bill C-11 will make changes related to the agency itself, which, as an independent, quasi-judicial body that administers the provisions of the act, will see their circumstances improved and efficiency substantially advanced. The number of members of the agency would be reduced from seven to five. Members would be required to reside in the National Capital Region, a requirement that exists for a number of other judicial or quasi-judicial bodies such as the Supreme Court of Canada, the Federal Court, the CRTC and other such organizations.

The government supports alternative dispute resolution processes rather than relying solely on regulatory remedies. As such, the agency will, by Bill C-11, be given the authority to conduct mediation on matters that fall within its jurisdiction and to provide mediation and arbitration services for railway matters under commercial processes if all parties agree.

The time frame for completing a statutory review of the act will be increased from five years to eight, which is a far better cycle in terms of the rapidity with which changes take place and the implementation of change as required. There will be improvements to the data collection and reporting provisions. The minister will be authorized to collect data related to security in order to facilitate the development of policies and programs.

The annual reports from the minister on the transportation sector will be simplified and focus on an overview of the transportation system. A comprehensive report will be provided under the provision of this legislation every five years.

There is an important change with respect to proposed mergers. The existing merger provisions related to airlines will be extended to other modes, including rail, to permit the minister, if necessary, to appoint someone to conduct a review of the public interest issues for large mergers or acquisitions. Up until this point, the

Competition Bureau has assessed the competition implications. However, there has been no clear statement of what the public interest may be in a merger between company A and company B. This act will provide the minister and the agency with some options to assert the public interest, certainly something we can agree to on a bipartisan basis on both sides of this house.

There will also be a provision in the CTA that allows the railways to appoint railway police. That provision has been there for some time. What this legislation will do is move that provision over to the Railway Safety Act and, for the very first time, because of how that act is regulated, add a civilian oversight for the railway police. That will give citizens and others who come into contact with the railway police, as well as civilian authorities unrelated to the railways, the capacity to seek civilian oversight and review should matters so require.

Bill C-11 also aims to provide greater transparency of air fares for Canadian travellers. The new provisions in the bill authorize the agency to make regulations to ensure that the advertising of prices for air services indicates sufficient information so the consumer can actually make an informed choice. For instance, the regulations would require that such business costs and surcharges as the fuel, insurance, Nav Canada costs be included in the advertised price and that any fees, charges and taxes collected by an airline on behalf of other parties also be clearly identified for the purchaser of the air service.

For example, the price indicated for Toronto-Montreal, \$185, may actually end up being \$270 by the time the individual has paid for the ticket. Finally, we get to the notion where the real price has to be displayed *ab initio*, at the outset, so consumers can be well informed and make their own choices accordingly.

The role and functions of the Air Travel Complaints Commissioner will be integrated into the agency's regular business. The agency will still continue to work to achieve solutions to complaints in a way that is fair to all those involved in the process. The agency's reports on air travel complaints will be improved, providing for greater transparency. As part of its annual reporting function, the agency will now have to indicate the number and nature of the complaints filed with the agency, the names of the carriers against whom the complaints were made, the manner in which the complaints were dealt with, and the systemic trends observed relating to consumer complaints. This in and of itself will become a constructive and creative market pressure to improve performance and service for the Canadian travelling public.

Bill C-11 also contains a number of provisions that will improve commuter rail service and urban transit. A new dispute resolution process will allow the agency to adjudicate disputes between commuter rail operators and the main line carriers over whose tracks they operate. This will improve the commuter operator's leverage in their commercial negotiations with the main line carriers and should lead to improved service, lower access fees and improved on-time arrival and departure.

Those of us who were involved in provincial government will recall that when provinces such as Ontario sought to put on commuter services to run from places like Peterborough and elsewhere to the city — the same thing with Montreal — they always had great difficulty with the people who owned the rail

lines with respect to rates, access, getting some regularity and not being set aside for the passing freight, turning individual passengers' schedules to dust because of the conditions under which those contracts were signed.

There will be an obligation in this act for contracts between publicly-funded passenger service providers and main line railways to be made public for all Canadians to see. This will help taxpayers to better understand and scrutinize the arrangements that are made. This level of transparency will be of immense value to passenger rail service so vital to an environmentally responsible intercity transit system in this country.

The railway line transfer and discontinuance provisions are being amended to facilitate the transfer of valuable urban rail corridors and stations for other public transportation purposes. This could be of significant benefit to commuter rail operators and public transit service providers.

Finally, the provisions regulating the maximum revenues Canadian National Railway and Canadian Pacific Railway can earn from regulated grain movements will be amended to provide for an adjustment related to the maintenance of government hopper cars. This includes a one-time adjustment that is expected to save our farmers an average of \$2 per tonne or \$50 million per year.

Honourable senators, many of the witnesses who appeared before the House committee strongly supported the bill and encouraged committee members to deal with it as expeditiously as possible. Some witnesses asked for improvements to the bill. The committee made a number of valuable amendments in response to these requests. As a result, I believe the bill will have a broad range of support from all stakeholders.

Stakeholders have been patiently waiting for this bill to become law. It has been well over five years since consultations started. I look forward to support from members on all sides. I urge honourable senators to proceed as expeditiously as possible with respect to passage of this legislation.

• (1550)

Hon. Leonard J. Gustafson: Seventy-five per cent of the railroad business is hauling grain. There is no question that from Moose Jaw, Saskatchewan or central Saskatchewan it costs \$1.70 a bushel to move the grain to the West Coast.

Ever since the Crow Rate was stopped, farmers have lost at least \$1 a bushel for moving grain and have put agriculture in an unprofitable position.

The honourable senator spoke of allowing mergers. If the CPR and the CNR were to merge, of course all competition would be removed. Does the honourable senator think that is a good thing?

Senator Segal: I defer to the honourable senator with respect to all matters with respect to grain movement, the growing of grain, the harvesting of grain, the shipping of grain, the pricing of grain, but not the consumption of grain. This bill is very important for the honourable senator's concern. Should two companies in a dominant position decide to merge, under the present law the only

issue that government could engage on would be the competition issue with respect to whether or not there was some combines activity with respect to related commercial cooperation is a way that reduces choice.

This act now provides for the government of the day to act on the issue of public interest so as to ask specifically the questions that the honourable senator underlines before allowing the merger to take place.

What will this do to the choices that the co-ops and others have with respect to the shipment of grain? What will it do with respect to the competition relative to spur lines and the availability of smaller trains for some regions that get left out when the trains are only of a certain length?

Moreover, in a search for the first time, there are more things at play than just commercial competition when this sort of merger is contemplated. Her Majesty should have the right to press those issues.

On motion of Senator Zimmer, debate adjourned.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

INTERIM REPORT OF OFFICIAL LANGUAGES COMMITTEE AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the fifth report (interim) of the Standing Senate Committee on Official Languages, *Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Winter Games: A Golden Opportunity*, tabled in the Senate on March 1, 2007.—(Honourable Senator Chaput)

Hon. Maria Chaput: Honourable senators, I move:

That the fifth report of the Standing Senate Committee on Official Languages, *Reflecting Canada's Linguistic Duality at the 2010 Olympic and Paralympic Winter Games: A Golden Opportunity*, tabled in the Senate on March 1, 2007, be adopted and that, pursuant to rule 131(2), the Senate requests that the government provide a complete and detailed response with the Minister for the Vancouver-Whistler Olympics, the Minister of Official Languages and the Minister of Canadian Heritage responsible for the response to the report.

She said: Honourable senators, early in this 39th Parliament, the Standing Senate Committee on Official Languages carried out a study on the consideration of the official languages in the organization of the 2010 Olympic and Paralympic Winter Games in Vancouver and Whistler, British Columbia.

There are a number of partners involved in this event: the Government of Canada, the Province of British Columbia, the Canadian Olympic Committee, the Canadian Paralympic Committee, the Organizing Committee for the 2010 Olympic and

Paralympic Winter Games in Vancouver (VANOC), the Municipality of Whistler, the City of Vancouver and the Four Host First Nations Society.

One of the goals of the committee's study was to identify the preferred methods used by the various partners in planning the Games and to identify the Government of Canada's preferred methods for promoting British Columbia's French-language community at this major event.

The committee finds that the 2010 Games provide an ideal opportunity for Canada to promote its linguistic duality throughout the country and abroad and to promote British Columbia's French-language community. With only three years to go, the committee reminded all partners of the importance of reflecting Canada's linguistic duality during these activities and that Canada cannot miss this golden opportunity.

We firmly intend to re-examine the progress made before the Games are held. Accordingly, the committee is committed to closely monitoring the progress made by all partners. I sincerely thank the members of the Standing Senate Committee on Official Languages for their dedication and commitment.

The Hon. the Speaker: Are honourable senators ready for the question on adoption of the report?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

[English]

STUDY ON ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT

Interim Report of National Finance Committee Adopted

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Phalen, for the adoption of the seventh report (interim) of the Standing Senate Committee on National Finance entitled: *The Horizontal Fiscal Balance: Towards a Principled Approach*, tabled in the Senate on December 12, 2006.
—(Honourable Senator Oliver)

Hon. Joseph A. Day: Honourable senators, I move the adoption of this report.

Motion agreed to and report adopted.

The Senate adjourned until Thursday, March 22, 2007, at 1:30 p.m.

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Thursday, March 22, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Thursday, March 22, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

COLORECTAL CANCER MONTH

Hon. Wilbert J. Keon: Honourable senators, I am pleased to speak to you today about colorectal cancer, also known as CRC.

[Translation]

Colorectal cancer is the third most common form of cancer in Canada.

[English]

March is Colorectal Cancer Month. I want to take this opportunity to inform you about this deadly but highly preventable disease.

CRC is the second deadliest form of cancer after lung cancer. Last year, about 20,000 Canadians were told that they had the disease and about 8,500 died from it. These numbers were far higher than they should have been.

Colorectal cancer is highly treatable if caught early and screening for the disease is vitally important. CRC usually develops from polyps at the benign stage and if discovered at that point, it is completely curable.

Several screening procedures for the disease are available, but unfortunately only about 10 per cent of the population utilizes them.

I am pleased that in January, Ontario announced it was adopting a population-based colorectal cancer-screening program. It is a tiered program with simple tests at the front end and of course colonoscopy is necessary. A colonoscopy is a test that accurately diagnoses the cancer and indeed the polyp can be removed at the time that it is seen.

• (1335)

CRC is closely linked to several risk factors like many others diseases. Family history is serious; family history of breast, uterine or ovarian cancer is also serious. Bowel disease such as colitis or Crohn's disease is a serious risk, as is a previous diagnosis of polyps. The presence of these factors means people should avail themselves of the screening test to have the disease treated when it is curable.

Of course, we all would like to do what we can to improve the odds and prevent the growth of these polyps if possible. There is strong evidence that physical activity and diet are major factors in the prevention of this disease.

Honourable senators, colorectal Cancer can be beaten simply if everyone would avail themselves of the knowledge and technology that is available.

BURTON CUMMINGS THEATRE FOR PERFORMING ARTS

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to salute an initiative that began in 1990 and has given rise to the rebirth of a cultural institution in Winnipeg and a provincial and national treasure, the Burton Cummings Theatre for Performing Arts.

Those who attended the grand opening in 1907, back when it was named the Walker Theatre, were treated to the New England Opera Company production of *Madam Butterfly*. The grandeur of the edifice was perhaps best articulated by Mayor J. H. Ashdown on opening night, when he said:

I do not know that anywhere in the world you will find a theatre of greater capacity, more noble in proportion or more thoroughly in keeping with the age we live in than this theatre.

From the opening until World War I, the Walker Theatre hosted the highest level of touring productions of opera, theatre, music, ballet and vaudeville from New York and London. In the decade following the Great War, it hosted performances by Charlie Chaplin, the Marx brothers, Harry Houdini, Louis Armstrong, and the man who later became famous under the name Bob Hope. Walker Theatre-goers were also treated to an address by Winston Churchill in the 1920s.

Also, it was the site of a ground-breaking play starring Nellie McClung called *How the Vote Was Won — A Women's Parliament*. The 1914 performance so brilliantly ridiculed the government that, two years later, the government of Rodman Roblin relented and Manitoba women were the first in the country to win the vote. We all know what started to play out on the national stage following that historical event.

After a period of closure during the Great Depression, the building served for several decades as the single-screen Odeon Cinema. In 1990, it was bought by a group of volunteers with a vision of reviving the theatre's lustre, and with restoration efforts underway, it reopened in 1991. It has since been designated a Grade One Heritage Building and a Provincial and National Historic Site. In 2002, it was rechristened in honour of Winnipeg's own Burton Cummings, whose remarkable musical career has been celebrated in Canada and abroad.

On February 17 of this year, the one-hundredth anniversary of the theatre's inauguration, I attended a fundraising concert at which Burton Cummings and Randy Bachman played an energetic set of their rock 'n roll classics. The event was a great success, and thanks to the proceeds raised that evening, as well as a mortgage discharge, the theatre has now retired its \$1.6 million debt.

Honourable senators, the project which began 17 years ago to revive the glory of this heritage theatre is an excellent example of synergy between public and private players. I would like to take this opportunity to commend the dedication of the Walker Theatre Performing Arts Group, Burton Cummings, Randy Bachman, Lorne Saifer, Burton Cummings Theatre Chair Jack Harper and Board General Manager Wayne Jackson, as well as Mayor Sam Katz and everyone else whose support has allowed this magnificent theatre to shine once again. It was a night to remember.

STATUS OF WOMEN

Hon. Lorna Milne: Honourable senators, I thank you for this opportunity to complete the statement I was making yesterday about National Women's Day and also to complete the fun quiz that Jane Ledwell from Prince Edward Island wrote.

If I may ask the male senators in this room to imagine that they are women. You are getting ready for that hot date. What do you pack? A nifty purse, a positive attitude, a sexy swagger and no worries? A sweater — because how sexy is too sexy? Baggage from past sexual abuse or sexual assault? Three kinds of birth control? After all, it is your responsibility to be prepared. Pepper spray, a cover to protect your drink at the bar and a cell phone with emergency numbers on speed dial?

• (1340)

You succeed in politics and you become a cabinet minister. What do the media remark on? Your competent savvy or your significant other? Your looks? Your over-emotional or overly personal response to issues? The time you spend away from your family or away from your desk?

Honourable senators, five women per month are killed by an intimate partner in Canada and almost one out of 10 women surveyed say they were assaulted by their spouse in the preceding five years.

Women who graduated from a New Brunswick university in 1999 and who were working full-time five years later earned 18 per cent less on average than the men with whom they had graduated. In New Brunswick, 75 per cent of women whose youngest child is less than six are in the labour force, but less than 20 per cent of them can find a licensed child care space for their child. About 35 per cent of pregnant workers do not benefit from Canada's maternity and parental leave programs. When politicians deny the inequality between the status of Canadian women and men, then groups are forced to concentrate on proving that reality. That makes groups sound like tiresome grippers and can give the impression that we think nothing has improved over 25 years.

Honourable senators, the passing of International Women's Day reminds us to ask the question: Are we really equal?

WORLD TUBERCULOSIS DAY

Hon. A. Raynell Andreychuk: Honourable senators, I rise to draw the Senate's attention to World TB Day. World TB Day reminds us that every day, 4,400 people die from tuberculosis. That is close to 2 million lives lost each and every year from a disease that costs as little as \$20 to treat.

As co-chair of the Canada-Africa Parliamentary Association, I am particularly saddened to note that close to one third of all TB deaths occur in Africa. Throughout the developing world, TB often cuts down people in their prime. In Africa alone, more than half a million people succumb to TB annually. The impact on families, on the economy and on children's chances to prosper and grow is profound. The extent of the devastation prompted the World Health Organization and African Ministers of Health to declare TB an emergency in 2005.

Part of the challenge in Africa and elsewhere is that TB is fuelling and being fuelled by the AIDS epidemic. TB is the leading killer among HIV-positive individuals worldwide. One third of more than 40 million people with HIV/AIDS are co-infected with TB. That is because TB is a disease of poverty. It is easily spread just by breathing, and it is an opportunistic disease that takes advantage of weakened immune systems. Even worse, TB actually accelerates the progression of HIV infection, making people sicker sooner.

Sadly, TB's massive toll continues despite the fact that it is inexpensive to treat. In fact, the Global Plan to Stop TB developed by the Stop TB Partnership has been universally endorsed. Canada's overall support for TB control is estimated to have saved over half a million lives at a cost of about \$200 for each death averted. Furthermore, CIDA's contribution to the global fund to fight AIDS, TB and malaria has ensured that 200 million people have access to TB treatment. This leadership must continue and is something of which all Canadians can be proud.

Finally, honourable senators, in an acknowledgment of TB's massive impact and the need for global action, the theme for 2007 World TB Day is "TB anywhere is TB everywhere." Together, we must all do more to eradicate TB so that it is nowhere.

• (1345)

BUDGET 2007

PROVISION FOR ABORIGINAL PEOPLES

Hon. Sandra Lovelace Nicholas: Honourable senators, on Tuesday, a colleague stood up to speak about the almost tearful Phil Fontaine, Chief of the Assembly of First Nations, when he spoke on the budget and the lack of funding for Aboriginals. To my dismay, some senators laughed. This is no laughing matter. Let me tell you why, honourable senators. It is called empathy in your language. In my language, there is no word for empathy because it is understood.

Honourable senators, my people opened up their hearts in welcome to the newcomers of this country. My ancestors taught them to hunt, to fish and how to survive the brutal winters. In return, they were, and still are, treated with disdain.

We have come a long way, and yet governments show once again how they feel about First Nations. The wonderful budget so many people are talking about did not even mention First Nations, or the poorest of the poor — Aboriginal women.

Honourable senators, my people ask: "What can I do?" I tell them to write letters. They cannot write letters because literacy programs have been cut, and many of my people still do not write.

The poorest of the poor, Aboriginal women, ask: "What can we do?" Many cannot write letters, let alone afford to buy the paper or the stamp.

First Nations were not even given a bone in this budget. They could not even chew on the bones, since the health of First Nations has been affected because of health and dental programs that have been cut.

Honourable senators, my people feel they are invisible to this government. In this great country of ours, the government does not know what empathy means when it comes to First Nations people.

Honourable senators, I ask that you bring back dignity to my people by honouring the Kelowna accord.

[Translation]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2007-08

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES PRESENTED

Hon. Joseph A. Day, Chairman of the Standing Senate Committee on National Finance, presented the following report:

Thursday, March 22, 2007

The Standing Senate Committee on National Finance has the honour to present its

THIRTEENTH REPORT

Your Committee, to which were referred the 2007-08 Estimates, has, in obedience to the Order of Reference of Wednesday, February 28, 2007, examined the said Estimates and herewith presents its first interim report.

Respectfully submitted,

JOSEPH A. DAY
Chair

(For text of report, see today's Journals of the Senate, Appendix, p. 1197.)

The Hon. the Speaker: Honourable senators, when will this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1350)

DIVORCE ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-252, to amend the Divorce Act (access for spouse who is terminally ill or in critical condition).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

KELOWNA ACCORD IMPLEMENTATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-292, to implement the Kelowna Accord.

Bill read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Tardif, bill placed on the Orders of the Day for second reading two days hence.

[English]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO SEVER DIPLOMATIC RELATIONS WITH ZIMBABWE

Hon. Hugh Segal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate call upon the Government of Canada to immediately withdraw its High Commissioner in Harare and sever all diplomatic relations until further notice in view of:

- (a) the massive violations of human rights by president Robert Mugabe;
- (b) the oppression of the black majority and white minority citizens of Zimbabwe;
- (c) the confiscation of legally-held land; and
- (d) the brutal and illegal beating and imprisonment of Zimbabwe's leader of the opposition, Morgan Tsvangirai; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Maria Chaput: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move

That the Standing Senate Committee on Official Languages have the power to sit on Monday, March 26, 2007, at 4 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is the Honourable Senator Chaput requesting leave to proceed on this matter today?

Senator Chaput: Later today.

The Hon. the Speaker: Is leave granted?

Some Hon. Senators: Agreed.

• (1355)

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to Notices of Inquiries, I would like to draw your attention to the presence in the gallery of His Excellency, the Ambassador of Cuba, his spouse and two members of the Cuban Institute for Relationships with Cuba.

Welcome to the Senate of Canada.

Hon. Senators: Hear, hear.

QUESTION PERIOD

TRANSPORT

REPORTS OF NATIONAL SECURITY AND DEFENCE COMMITTEE ON AIRPORTS AND SEAPORTS— RESPONSIBILITY FOR SECURITY

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, the government has tried to portray the official opposition as being weak on terrorism because it stood up to defend the civil liberties of Canadians and because it proposed a comprehensive review of anti-terrorism provisions, as recommended by our own unanimous Senate committee report.

Once again this week, we have seen an example of the Senate performing its parliamentary and investigative duties for the greater benefit of all Canadians in the tabling of the reports by the Standing Senate Committee on National Security and Defence.

My question is directed to the Leader of the Government in the Senate. Will the leader's government act on this committee's recommendation, particularly with regard to giving responsibility for security at our airports to the RCMP and increasing the number of officers to the extent that we will receive guarantees that there is some coordination and sufficient resources to carry out these important duties?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I thank the honourable senator for that question. The report of the Senate committee on airport security was released Tuesday. The report on ports was released yesterday. Both reports are thorough and serious studies. The government, and in particular Minister Cannon, who is in receipt of these studies, will take the recommendations very seriously and will craft a response to the issues raised by the Senate committees.

Senator Hervieux-Payette: Honourable senators, I am pleased that the honourable senator mentioned Minister Cannon, because it is the minister's responsibility to see that the mail and cargo carried by the airlines is screened.

The committee asked representatives of Air Canada who was screening the cargo. They replied that Canada Post was doing it. When the committee asked Canada Post, they said that Air Canada was doing the screening. At the end of the day, as you will read in the report, neither Air Canada nor Canada Post was doing the screening.

Envelopes containing anthrax were sent to Washington, which closed down almost one half of the government operations. Other legislative colleagues have been severely injured, and it is important that we receive assurances that Minister Cannon will deal with this matter immediately.

Senator LeBreton: I can assure the Leader of the Opposition that Minister Cannon is seized of this matter. As the chairman of the standing committee said yesterday in the media, these issues have been developing over quite some time. Minister Cannon has taken some measures, although, according to the report, they have not completely dealt with all the serious issues.

Minister Cannon made it clear yesterday that it is the intention of the government to carefully study the recommendations of the committee on both airport and port security. Minister Cannon is a serious and thoughtful individual, and I am confident that he will take these recommendations seriously.

Senator Hervieux-Payette: I hope that the leader will ensure that cabinet takes care of this very soon, because this minister now has another mandate.

• (1400)

Canada's airports employ 100,000 people and process 90 million passengers per year. All passengers are screened — including all senators — prior to taking boarding an aircraft.

However, currently, Canada's 100,000-plus airport employees are not screened on a daily basis. Only 2 per cent are screened on a daily basis. Any corporation involved in security in this country that is doing its job properly ensures that its premises are secure — whether we are talking about cleaning planes, delivering the food or working on the tarmac. We are talking about all the employees who have access to these planes.

Would the government leader ask the minister responsible to ensure that the 100,000-plus employees who go in and out of their workplaces at airports are screened, as recommended by our colleagues, and that if adequate funds are not in his budget he be advised to devote some money in his budget to that operation.

Senator LeBreton: I thank the honourable senator for her question. Security at airports is indeed a concern. Many of us have gone through rigorous security clearances at airports, including taking off our shoes and jackets. One cannot be a modest person and feel comfortable going through airport security these days.

I do believe that the committee has focused on a very serious issue. I can assure honourable senators that Minister Cannon and his officials are concerned not only that there could be breaches but also that there are perceived to be breaches. I am confident that the report of the committee will further focus the minds of the officials in the Department of Transport and the minister himself.

THE SENATE

NATIONAL SECURITY AND DEFENCE COMMITTEE— REPRESENTATION OF GOVERNMENT CAUCUS

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. It has to do with those same reports to which she has just referred.

Senators who have read them or even scanned them will see that they are, in effect, report cards, that they make reference to previous reports of the committee, addressing some of the same subjects that go back for years, into the previous government, and that the committee has been equally critical of the previous government as of this one, in fairness.

In order to be able to do that work, the committee needs to have continuity, and it is one of the committees of the Senate that does have that flow. In fact, there are not many senators here who can stand, as I can, and say that they have been a member of that committee since its inception. I remember voting on it and discussing its membership and constitution when it was first struck.

The Senate determined that that committee would have — unusually among standing committees — nine members, not 12 or 15.

If one looks at the committee's website, or refers to the *Journals of the Senate* or the publications of the Committees Directorate, one will see that there are six senators listed as members of that committee now. I am referring to the changes in the committee memberships that were recorded in the *Journals of the Senate* on February 27 last.

I ask the Leader of the Government in the Senate whether she can confirm that either she or her delegate on that date caused the removal of three senators from the Standing Senate Committee on National Security and Defence.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the matter to which the honourable senator has referred is unresolved. It is a

matter that the leadership on this side is considering. I do not believe that in my capacity as Leader of the Government in the Senate I am duty bound to discuss internal matters, especially unresolved matters, on the floor of the chamber, but I am well aware of the circumstances. Hopefully, we will come to some agreement and resolve the matter as soon as possible.

• (1405)

Senator Banks: I am not sure that I agree that the question of a proper number of members of a committee is an internal matter for either the leader's or my caucus. I think it is a matter for the Senate. The Senate has determined that there are nine members of that committee. The committee does its work relying upon the continuity of its members. We are now in some difficulty because we are dealing with these matters on an ongoing basis in the absence of some of the committee's members who contribute valuably to the committee.

It is one thing, I suppose, for the leader of a party to convince the members of that party not to attend meetings of a committee; it is another question entirely for the leader of a party to require or order that those members not attend.

Could the minister tell us which of those scenarios applies to the three missing members of the Standing Senate Committee on National Security and Defence?

Senator LeBreton: My answer to this question is exactly the same answer as the one I gave a moment ago. I have read the transcripts and I also watched the proceedings on CPAC a couple of days after the committee deliberations were held. It is a matter of some concern on both sides of the chamber, I grant you that. We are having discussions within our own caucus and leadership as to how to resolve this problem.

The fact that there are only six members sitting on the committee now is, as you state, of interest; however, I do not believe that matters that we must resolve on this side, and then in consultation with the leadership on the honourable senator's side, are required to be discussed on the floor of the chamber.

Senator Banks: Well, minister, that is a view. I am not sure that I agree that it is not appropriate to discuss this on the floor of the chamber because the membership of Senate standing committees, created by resolutions of the Senate and set out in the *Rules of the Senate*, are matters of concern to the Senate. I believe that I understand the nature of the replacement of members on a committee. If I cannot show up, it is my obligation to find someone to replace me. There is a process by which a person who I might convince to do that is properly there as a voting member of that committee. "Replacement", as I understand it in the rules, infers that if A is not there, B will be there. "Replacement" does not mean "removal."

In the present circumstance, will the leader agree that her interpretation of those members not being present in the committee — if it is a matter of discipline — is an improper use of the prerogative of the leader; that is, to use membership on a committee as a matter of discipline as opposed to serving the interests of the Senate?

Senator Mitchell: Hear, hear! And the interests of Canadians.

Senator LeBreton: Senator Banks began by saying he did not agree, and that is his right. Just like Senator Fortier, Senator Banks is entitled to his opinion. I categorically rule out of hand his suggestion that it was discipline.

TRANSPORT

REPORTS OF NATIONAL SECURITY AND DEFENCE COMMITTEE ON AIRPORTS AND SEAPORTS— RESPONSIBILITY FOR SECURITY

Hon. Norman K. Atkins: Honourable senators, my question is to the Leader of the Government in the Senate.

Security is of interest to all Canadians. Security is critical at airports, seaports, et cetera. One of the recommendations that came out of the committee meetings is that security be moved from Transport Canada to Public Safety Canada.

• (1410)

Would the leader care to comment on that?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, that was one of the major recommendations of the committee that received the greatest attention. I do not think it would be proper until the government, the officials in Transport Canada and others have had a chance to thoroughly review all of the recommendations and the ramifications of such a recommendation. I do not think I am qualified, or in a position to comment, other than to say that the recommendation will surely be of interest to the officials who have been working on the whole issue of security, whether it is border security, port security or airport security. Perhaps in the past other people have made the same recommendation, although I do not believe so.

I shall take the question as notice, in the event that there is something I can add. However, at the moment, I am not in a position to comment on the recommendation.

Senator Atkins: It seems to me that it would be more preferable for security issues to come under one umbrella. I would hope, if the minister has an opportunity at the cabinet table or elsewhere, that she would make the case. I believe it would be a very valuable adjustment in cabinet in terms of responsibilities.

Some Hon. Senators: Hear, hear!

Senator LeBreton: The recommendation is far-reaching and profound, and I am quite certain it will receive serious consideration.

While I will not comment personally, I am sure most would agree with the honourable senator that the security of Canadians — including our families, neighbours and friends — the country and its institutions is a very serious matter. I shall

ensure that the senator's views — and I know the views of the committee are well-known — are passed on to my colleagues.

[Translation]

BUDGET 2007

FUNDING FOR OFFICIAL LANGUAGES ACTION PLAN

Hon. Maria Chaput: Honourable senators, my question is for the Leader of the Government in the Senate. The federal government's Budget 2007, released this week, indicated that an additional \$30 million would be provided over two years for the Action Plan for Official Languages. The budget also said that the plan would include new programs for culture, community centres and after-school activities, which, I would think, involve sports or leisure activities outside of class.

Previously, there was a specific program called Infrastructure, which enabled communities to get funds to build community centres, for example. Does this program still exist, or has it merged with the Action Plan for Official Languages?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The minister has made several announcements on post-secondary education and official languages. There have been other announcements made on infrastructure.

With regard to the funding of individual community halls — and I assume the senator is talking about specific ones that have been built for teaching in the official languages — I am not aware of that. Hence, I shall take the question as notice.

• (1415)

Transfers for infrastructure have been made for national infrastructure programs, such as the Pacific Gateway. I will try to determine for the honourable senator where programs of that nature are accommodated in the budget and provide that information.

[Translation]

HERITAGE

STATE OF CULTURAL INITIATIVES PROGRAM

Hon. Maria Chaput: Could the Leader of the Government in the Senate also tell us if the Cultural Initiatives program still exists?

Through this program, community centres could obtain financial aid for cultural and artistic projects. Is the program now part of the community centre projects foreseen in the Action Plan for Official Languages?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, there are many community-based programs, including New Horizons for Seniors, which the honourable senator had asked about earlier. The government has increased the funding for that program.

In terms of cultural agencies, as the honourable senator knows, Minister Bev Oda has made many announcements. I would be happy to provide those to the honourable senator. I was pleased to see the honourable senator's former colleague, the Honourable Sheila Copps, applauding the government for the initiatives taken in the cultural area. With regard to the details, I will endeavour to obtain them for the honourable senator.

BUDGET 2007

GAS CONSUMPTION INCENTIVES

Hon. Jeremiah S. Grafstein: Honourable senators, my question for the Leader of the Government in the Senate pertains to Budget 2007 and what appears to be an important mistake that affects jobs, competitiveness and productivity in the automotive sector in my province of Ontario, in the province of Quebec and in other provinces.

The North American manufacturers of auto parts are under tremendous competitive pressure and are daily losing market share. I always assumed that the budget was to help to increase jobs and competitiveness in the marketplace, but we find, to our dismay, that the incentive provision of \$1,000 in Budget 2007 for a vehicle with gas mileage listed at 6.5 litres targets only one car. This segment of the marketplace is hotly competitive and such an incentive gives an undue competitive advantage to the marketers of only one car.

Could the honourable leader address this issue? Minister Cannon said in the media that government has to start at some level but will look at this provision and monitor it quite closely. The problem is creating havoc in the automotive sector and is detrimental to the competition in the marketplace. Would the government consider changing this provision in Budget 2007 immediately?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, several auto makers and their vehicles were listed as those that would qualify under this incentive. I am a resident of Ontario and my family has lived off the auto industry for years. I deem it an important sector not only for the manufacturing jobs but also for the work on the environmental side. There is a fine line in balancing the two. I saw several vehicles made by various manufacturers with plants in Canada that would qualify. There are many other vehicles made by those same manufacturers that will not qualify, such as the gas-guzzlers. The decision will have to be made by consumers when they purchase their vehicles.

• (1420)

In terms of background documents, I will simply take that portion of the question as notice and provide to the honourable senator from the minister the exact table they used in terms of fuel consumption, who it applies to and who it does not.

Senator Grafstein: I think the minister recognizes that it requires lead time for this industry to make a change.

I have no problem, nor does anyone else on this side, with setting objectives to reduce gas consumption. No one has a problem with that. Committees have dealt with this issue and made recommendations. The problem is whether the honourable senator's side thought this proposal through.

Frankly, I do not believe the government or the advisors to the government have thought things through, particularly in this sensitive time for the automobile industry. That industry is especially important to the economy of Quebec, Ontario and the rest of the country.

I ask the minister to go back and look at this question with some objectivity because she must understand that the lead-time for cars to change takes anywhere from one to three years.

I think it is important before the ministry blindsides an industry so important to the economy to look carefully, and if there is a mistake, withdraw and change it. We are open-minded on this side; we will not criticize the government for correcting their errors.

Senator LeBreton: Honourable senators, I have not seen the article. I know that throughout the process of working on the environmental file and on the budget consultation, the government and the ministers responsible have been in active consultation with the automotive industry. I do not accept the premise that this was not thought through.

In any event, because of the obvious concern and the seriousness with which the honourable senator attaches to the issue, I will obtain a more detailed response by way of a delayed answer.

STUDENT SUMMER EMPLOYMENT PROGRAMS

Hon. Marilyn Trenholme Counsell: My question is for the Leader of the Government in the Senate.

I have been looking through this wonderful document titled *Aspire*. It is a wonderful theme; it is a great Canadian theme.

We could talk about the lonely seniors, mainly women, living alone and how they aspire to live their lives and remaining years in dignity. We could talk about the single mothers living in poverty who aspire to find employment but cannot because they cannot find child care spaces.

Today I would like to talk about our university students. I have carefully perused this wonderful document on the Summer Work Experience Program, 2007. The faces of these young people certainly represent aspiration. In reading through this document, I cannot find anything, no mention — of course, I may have missed it but I looked hard — on the Summer Work Experience Program 2007 or the Canada Summer Jobs initiative.

I have to resort to reading from articles I found in the newspaper and press releases. This particular article refers to the Conservative government's unpublicized decision to cut \$55 million from student summer employment. This press release, dated March 5, 2007, says, "But it is unclear whether the Conservatives will be reinstating the funding."

We have had good news along the way, certainly the fact that after sober second thought, the government restored the money for one year to literacy coalitions across the country.

In that I was not able to find it — and I am sure that perhaps other people are just as interested as I am — I want to ask whether the \$55 million was indeed restored in this wonderful budget titled, *Aspire*.

• (1425)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question and will aspire to giving her a proper answer.

In terms of the summer employment, the summer jobs program is in place. There were changes made — and I am just speaking from memory — whereby these jobs would be available only in the not-for-profit sector and in smaller enterprises. In many cases in the previous program, large corporations like Wal-Mart were being subsidized to provide jobs for students when they would have provided the jobs on their own.

This comprehensive summer job program was announced prior to the budget. I will have to check, but I believe it was established with monies available from the budget of 2006. I will get the details.

I am sure the honourable senator noted the money set aside in the budget for post-secondary education and also took notice of the accolades the government received from the Canadian Alliance of Student Associations.

Senator Trenholme Counsell: Honourable senators, I believe the money was cut from \$110 million to \$55 million, but I hope it is not so. Perhaps we could get details of the figures.

The Hon. the Speaker: Honourable senators, the time for Question Period has been expired.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

DEMOCRATIC REFORM— PAY EQUITY IN FEDERAL PUBLIC SERVICE

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to question No. 23 on the Order Paper—by Senator Segal.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table answers to three oral questions raised by Senator Robichaud, on October 5, 2006, regarding human resources, social development and funding of literacy programs; by Senator Tardif, on February 20, 2007, regarding national defence and the official languages policy; and by Senator Chaput, on February 20, 2007, regarding national defence and the official languages policy.

TREASURY BOARD

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT

(Response to question raised by Hon. Fernand Robichaud on October 5, 2006)

Canada's New Government is committed to improving literacy, and to ensuring that federal funding supports projects and activities that provide concrete help to those

who want to improve their literacy skills. Provinces, territories, municipalities, employers, non-governmental organizations and families all have an important role to play in support of literacy.

This government has taken important steps to better focus its investments in a number of areas, to maximize results and to ensure that tax dollars are well spent, meeting the needs of Canadians.

With a budget of \$81 million over two years (2006-07 and 2007-08), HRSDC's Adult Learning, Literacy and Essential Skills Program will support adult learning and literacy activities that have a tangible and lasting impact on learners.

We welcome the opportunity to work with partner organizations across the country to help Canadians improve their literacy skills and build better lives. We are looking to literacy groups and community organizations to bring forward innovative results-oriented proposals that can make a difference in the lives of Canadians.

Together we can establish a track record of success, setting the stage for future partnerships and investments to address the literacy challenges we face in our communities.

HRSDC also supports literacy and essential skills development through other programs, such as the essential skills initiative and support for sector councils and apprenticeships.

The federal government also delivers important investments in support of literacy and essential skills through other departments. For example, Citizenship and Immigration Canada provides support for literacy and language training for newcomers, which is critically important to enabling them to better integrate into the Canadian workforce.

NATIONAL DEFENCE

OFFICIAL LANGUAGES STRATEGIC PLAN— REDUCTION OF TARGETS

(Response to question raised by Hon. Claudette Tardif on February 20, 2007)

The Department of National Defence and the Canadian Forces recognize the importance of official languages and are committed to improving their performance on this issue.

The previous approach failed to meet the needs of the Official Languages Act and our new approach will fix the problems and myths of the previous approach.

The new Official Languages Program Transformation Model establishes the Canadian Forces' official languages strategic vision, which is to ensure that members of the Canadian Forces are consistently led, trained, administered and supported in their official language of choice in accordance with the Official Languages Act. Recommendations made by the former Commissioner of Official Languages have been taken into account and formally addressed in the Transformation Model.

The implementation of this plan will bring a new, more focused and fair approach, which better takes into account the unique and distinct operational structure of the Canadian Forces and will enhance the Canadian Forces' compliance with the Official Languages Act.

In the Canadian Forces, each unit operates as a team. The revised Official Languages program better takes into account this unique organization and the needs of the Canadian Forces by acknowledging that the Canadian Forces manages its personnel by unit and not by position like the Public Service. This new approach will better equip each unit to consistently provide services, supervision, and instruction to members in the official language of their choice, when and where mandated by the Official Languages Act.

In response to the supplementary question asked by the Honourable Senator, the Canadian Forces continues to have bilingual units across Canada, including in Alberta, which would indeed enable a Francophone from Edmonton to work in French in his or her home province.

(Response to question raised by Hon. Maria Chaput on February 20, 2007)

The Minister of National Defence and the Canadian Forces recognize the importance of official languages and are committed to improving their performance on this issue.

The previous approach failed to meet the needs of the Official Languages Act and our new approach will fix the problems and myths of the previous approach.

The former Commissioner of Official Languages recently conducted two major investigations into: the impact of language on the recruiting, appointment and transfer of unilingual personnel to bilingual positions in the Canadian Forces; and the language of work at National Defence Headquarters.

At the conclusion of these investigations the Commissioner made thirteen recommendations to improve the Canadian Forces' compliance with the Act.

In drafting the new Official Languages Transformation Model the Canadian Forces considered all and fully implemented ten of the former Commissioner's recommendations.

The former Commissioner stated that she was encouraged that the new plan will address almost all the recommendations made in her report and acknowledged the positive role that the new Model could play in improving the Canadian Forces' Official Languages record.

The New Official Languages Transformation Model is designed to guide the Canadian Forces in enhancing its compliance with the Official Languages Act.

The implementation of this plan will ensure compliance with the Official Languages Act and promote an environment in which CF Members, Anglophones and

Francophones alike, will be able to work in their official language of choice in accordance with the Official Languages Act.

[English]

ORDERS OF THE DAY

CANADA ELECTIONS ACT

BILL TO AMEND—THIRD READING—MOTION IN AMENDMENT ADOPTED—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, for the third reading of Bill C-16, to amend the Canada Elections Act.

And on the motion in amendment of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C., that Bill C-16 be not now read a third time but that it be amended in clause 1, on page 1, by replacing lines 23 and 24 with the following:

“religious significance, a provincial or municipal election or a federal, provincial or municipal referendum, the Chief Electoral Officer may”.

Hon. Consiglio Di Nino: Honourable senators, first, allow me to thank all senators who participated in this debate. Particularly, I want to congratulate and thank Senator Joyal for his contribution.

Let me state that we are opposed to this amendment because Bill C-16 contains sufficient flexibility to allow for the possibilities stated in the amendment.

The proposed amendment would also apply even to municipal referenda, which could mean that a referendum in a single municipality in our country could be the reason for the deferral of a federal election.

Honourable senators, the bill was crafted to allow the Chief Electoral Officer, with maximum discretion, to recommend delay of an election. Let me point out that section 56.2(1) contains the word “including,” which by normal rules of interpretation is only illustrative and does not exclude deferral by other reasons.

This gives the Chief Electoral Officer, in his or her discretion, the power to make a recommendation for a new date, particularly, I believe, for anything analogous to what is specifically mentioned, such as a provincial referendum, which is analogous to a provincial election.

Honourable senators, I do not believe that an amendment to Bill C-16 is required.

• (1430)

The Hon. the Speaker: Further debate? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: Would all those in favour please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Would all those opposed please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. Do the whips have advice as to time?

Senator Di Nino: I am happy with a five-minute bell, if you wish, or 15 minutes.

Hon. Lowell Murray: Honourable senators, not for the first time in this chamber, I want to object to a 15-minute bell, no matter what the situation, unless a vote has already been ordered by the Senate in advance. Fifteen minutes does not provide enough time for senators who may be in their offices in the Victoria Building, or in other parts of Parliament Hill, to get here in time for a vote. In my humble opinion, the bells should ring for at least 30 minutes.

Hon. Senators: Agreed.

Senator Di Nino: Half an hour?

Senator Tardif: Thirty minutes.

The Hon. the Speaker: If any senator objects, the time is automatically an hour. However, the whips have reconsidered and agreed on half an hour. Therefore, the vote will be held at 3:01.

May the speaker leave the chair?

Hon. Senators: Agreed.

The Hon. the Speaker: Call in the senators.

• (1500)

Motion in amendment adopted on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Grafstein
Bacon	Hays
Baker	Hervieux-Payette
Banks	Hubley
Biron	Joyal
Carstairs	Lovelace Nicholas
Chaput	Milne
Cook	Mitchell
Cools	Munson
Corbin	Poulin
Cowan	Ringuette
Dawson	Robichaud
Day	Rompkey
Fairbairn	Smith
Fox	Tardif
Fraser	Trenholme Counsell—33
Furey	

NAYS THE HONOURABLE SENATORS

Andreychuk	LeBreton
Angus	Meighen
Atkins	Murray
Cochrane	Nancy Ruth
Comeau	Oliver
Di Nino	Prud'homme
Gustafson	Segal
Keon	Tkachuk—16

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: We are now resuming debate on the main motion, as amended.

Senator Murray: Honourable senators, I do not want, nor do I intend to reflect, on the vote we have just held or the amendment that we have just adopted to this bill. I want to say that I am opposed to this bill. I would cheerfully vote to defeat this bill if the opportunity were presented to me to do so in the Senate. I do not believe in turning our system of responsible government inside out or upside down. I do not believe in importing bits and pieces of the congressional system and trying to patch them onto our Westminster parliamentary system. I do not think that any of that is in the interests of parliamentary democracy or of this country.

I am not at all swayed by the argument used by some that several provinces have or are in the process of adopting similar measures. I believe that this Parliament, the Parliament of Canada, ought to be in the forefront of defending and supporting and retaining our Constitution and our constitutional conventions.

For the same reason, the amendment proposed by Senator Joyal, which we have just adopted, does nothing, in my humble opinion, to persuade me that I should vote for the bill. My honourable friend yesterday delivered an excellent speech in which he denounced this bill, from stem to stern, citing, I think, five reasons why it offended our constitutional conventions. I agree fully with him. He then went on to propose this amendment, which, as I said, focused on one detail of the bill. We now have an amendment to the bill and, if honourable senators opposite are consistent, having amended it, they will vote to send it back to the House of Commons. If the government decided to embrace that relatively minor amendment, then the game is over. The bill is adopted, and federal Canada will have fixed election dates as they have in the United States and other systems of government. I am puzzled why, having made such a root-and-branch denunciation of the bill, the opposition then proceeded to amend it in one particular.

For all the reasons cited yesterday by Senator Joyal and many more, the bill is offensive to our constitutional tradition and to our constitutional convention, and ought to be defeated, plain and simple. If I get the opportunity, that is what I intend to vote for.

• (1510)

Hon. Anne C. Cools: Honourable senators, I rise to speak to Bill C-16, which proposes fixed election dates. Honourable senators know, I think, that I tend to be a busy person. As such, I find myself in a situation in this place these days where, because there are so many bad initiatives that it is difficult to choose which one to speak against. Bill C-16 is in that category.

I think honourable senators know that I just supported Senator Joyal's motion to amend this bill. I saw that as doing a little bit but not as much as I would have liked. Some people are in a position of statelessness; I am in a position of "committeeness." Consequently, my ability to influence committees has been severely restricted. My Senate franchise has been severely constrained and restrained much to my angst. I am never going to accept it. What was done was wrong, it is still wrong, and it will forever be wrong, in my view.

Honourable senators, coming back to the point, I simply did not have sufficient time to turn my mind towards producing a speech to be able to refute many of the spurious, unfounded and silly arguments that were placed before us on this bill.

I should like to reiterate one or two points, one of which I raised yesterday. The business of an unfixed election is the foundation of the particular parliamentary system in which we find ourselves. The notion is, especially since votes of confidence replace impeachments as the method of dealing with delinquent ministers, that never again in the history of the British system would men or women have to take to arms to dispense with or to dispose of despotic tyrannical leaders. There would be something called a vote of confidence. As a result of that, whether a government is in a minority or a majority position, the entire focus of power would be shifted to the subject, to the citizen. In other words, the citizen has a right constitutionally to an election any time the need would arise to dispense with, and to dispose of, a despot. The libertarians have created a new word, the tyrant. They say they are fighting the tyrant.

Despite Senator Di Nino's assertions to the contrary, Prime Minister Harper, in doing this bill, has given up nothing. What he has done is surrendered the fundamental birth right of Canadian citizens as persons deriving from a British political origin in a British tradition. I should like to add to that, honourable senators, that the notion of an unfixed election date was one of the fundamental premises of the system in which we live.

Honourable senators do not know much about me personally. A long time ago in politics, I learned to speak about myself very little in personal terms. However, I will tell honourable senators something. We are descended from free coloured people, and growing up in the British Caribbean I was taught to eschew unquestioned obedience. I was trained to resist it. This is because of the role my family played in the history of Barbados as they worked to develop responsible government there. My father ran for election in 1938, honourable senators — and at that time it was still a restricted propertied franchise. I think there were a few hundred voters or something. My father was defeated, but later on other relatives succeeded.

Yesterday, I attended a celebration of the ending of the slave trade in 1807. I have cited William Wilberforce here on many occasions, and his contributions to the abolition of the slave trade and slavery. When I was growing up, honourable senators, I was taught to revere, to uphold and to emulate individuals like U.K. M.P. William Wilberforce and to look to a system of government to this thing called a parliament. Within a parliament, within these assemblies, there was an opportunity to carry the pedigree, our birth right, and to uphold quite frankly the rights of the citizens. I cannot help but tell honourable senators that I believe that that notion has been violated.

One of the niggling, terrible things that keeps bothering me is that these initiatives, these bills, are coming before us rapidly, quickly, one after the other. Not one of them is properly supported by the law or by the Constitution. Quite frankly, honourable senators, no answers are being put before this chamber as to why these proposals are before us other than some simplistic statement to the effect that you have to modernize the Constitution.

Honourable senators, I dismiss all of that as, quite frankly, a lot of rubbish, at worse, or shibboleth at best. I want to register my determined opposition, as a black person raised to believe that a parliament was the system for us. I oppose what this government is doing. What they are doing is so very wrong, because what they are doing to the system is moving the people, the Queen's subjects, from the centre of the Constitution and, very carefully, placing the Prime Minister, who does not even exist in law or in the Constitution, at the centre of the Constitution. I think that is a terrible thing.

Honourable senators, I think most people know how I feel about this system because of how I was raised, and I do not talk about race. However, I should like to read something that I think is important to support the point that I made. I started to work on this bill. We talk about fixed election dates and all this nonsense. We should refer back to the real language and the real law about elections. The words that used to be used were franchise, suffrage and the granting of the franchise.

I remember like yesterday in 1951, I think it was, when my mother, in her brown and white two-tone shoes, went out to vote. This was the first election in Barbados under universal suffrage, which our family had helped to bring. My background is quite different from most here. I see this heritage being ripped away around me on a daily basis.

In any event, what I want to say to honourable senators is about this business of franchise, this word which I looked up. I have always found that the masters, like Blackstone, for example, are the places to look. I found a reference to the franchise, which is a precious thing. This is what this government has tampered with constitutionally.

I shall read *Sir William Blackstone*, the twelfth edition. He said:

Franchises also, being regal privileges in the hands of a subject, are held to be granted on the same condition of making a proper use of them.

A franchise is a very treasured, precious thing. This vote, this franchise, that was granted by Her Majesty's own time and was allowed to abide and subsist in the citizens, the subjects of the land, this is our lifeblood.

There was a time, I was saying to Senator Joyal, just a little while ago, that until 1832 many private individuals owned and controlled many boroughs, and controlled not only who voted but who the representative would be. There was one fellow, I believe, the Duke of Newcastle, who owned several of those boroughs. Do you remember the terms "pocket boroughs" and "rotten boroughs"?

• (1520)

Humanity advanced and the constitutional notion developed that all human beings should be able to vote and partake in the business of the affairs of the state and the affairs of the body politic. Over time, various majesties of the U.K. granted greater and greater franchises to the people.

Many say that women only got the vote in Canada in 1918, but I think it was only in the 1870s that Canada had universal manhood suffrage.

Honourable senators, it is a very strange and dangerous thing to tamper with old institutions, because you do not know what you are tampering with.

We will live to see the day, and it will not be too far away, when we will regret that this bill passed this chamber. Senators know when I agree or disagree. If I have the opportunity today, I will be happy to vote against this bill, which is an assault on every subject of Her Majesty. Very few people seem to care about that, but I was raised and taught to uphold this system. I was always taught that, whatever its inadequacies, it is still the best system that has ever existed and it pains me to see it being chipped away. In addition, the people who are chipping it away will not tell us their final destination. I know that every day another plank is dismantled.

This franchise was a part of the Royal Prerogative power. Their majesties used to dispense this borough to that one or the other one, and so on and so forth. Until recently, every time a bill came

forward that touched on the Royal Prerogative, I would spring to my feet and raise the need for Royal Consent. I have stopped doing that, because governments keep ignoring us. It is a shame on us.

In this chamber, Your Honour, you are the representative of Her Majesty; you are one of the mighty officers of state. Your position was intended to be as high as, if necessary, the Lord Chancellor, because this country was a frontier land.

What this government is doing is all very wrong, and it breaks my heart. They can take me off committees, but I can vote and I intend to do that if I get the opportunity today.

Honourable senators, that we allow this system to be so diminished, that we are allowing our entire system to be dismantled brick by brick, is a pox upon us all.

Hon. Sharon Carstairs: Honourable senators, I find this bill singularly distasteful. It is contrary to our parliamentary tradition. It smacks of Americanization of our nation and of a Republican tradition that is contrary to our parliamentary tradition.

How has it been sold? It has been sold as some indication that it is a great democratic exercise, that it will promote greater democracy if Canadian citizens know exactly the day on which their elections will fall. I do not think it does that at all. This is a very democratic country, and the citizens decide, when they walk into the balloting station, whenever that day is, how they will cast their votes. That is the essence of our democratic system.

I examined the bill vis-à-vis my responsibilities to the Senate and as a senator. That is where I find my dilemma. I cannot argue that it is against the regions, because all regions are treated equally in this legislation. I cannot argue that it is against minorities, because everyone is treated the same in this legislation. I, unfortunately, cannot argue that it is contrary to the Constitution, because I do not think it is. Although it is contrary to practice, it is not contrary to the Constitution as such.

Therefore, if this bill comes to a recorded vote, I will not vote against it, but I will not vote for it. I will abstain to show my disdain.

Hon. Jeremiah S. Grafstein: Honourable senators, on this bill I share the concerns of Senator Murray, Senator Cools, Senator Joyal and our former leader. I believe I am as good a student as any in this chamber of the American system. In many ways, the American system is commendable, but fixed election dates are not because they change the thrust, the sensitivity and the responsibilities in that system. They propel the question of money into the system in a real and intense way.

I will take you through the various contests. The lower house, the House of Representatives, is elected every two years. Having spoken to many congressional representatives, I can tell you that about one-half of their time is spent on legislation and the other half of their time is spent raising money for their next election.

Senators have a six-year term with one third standing for election every two years. They spend at least one-half of their term raising money as well. We have clearly seen in the presidential

race that primaries have moved up a notch and suddenly they are having primaries for two years before the end of the presidential term. Election after election does not make that system more sensitive or more responsive to the public will.

Therefore, what is wrong with having a four-year term? I have not heard one argument that commends that system to improve the existing system. I will not dismiss the argument about convention. The Supreme Court of Canada supported constitutional conventions as being coequal to the written constitution. Mr. Justice Brian Dickson caused consternation on this side by his support for conventional constitutional practice. This is not a minimalist argument; this is a maximalist argument. Conventions are important; they are part of our common law democracy, which is based on practice, and the practice for over 100 years has been sound, efficient and effective.

For us to now turn our backs on the history of this country and somehow transform it into a system of four-year fixed elections goes against responsible government. I say that it makes governments irresponsible. I say that it causes a focus on the short term as opposed to the long term. I say that this goes against good government. I say that this is a serious measure that should be referred back to the other place. If Senator Joyal's amendment does that, with our support, it will be up to us in this chamber to convince our colleagues in the other place that this is bad. It is bad practice; it goes against convention; it goes against a history of responsible government that has been second to none in the world.

I always say, "Why change it if it is working?"

• (1530)

It is working. We live it every day. We watched it in Quebec, this week. We watch it in Ontario. We watch it here in this place. It works. Sometimes it does not work the way we on this side would like or my honourable friends on the other side would like, but the system works. We have had a series of tremendous governments that have propelled Canada out of the Middle Ages to become one of the major economic powers in the world, due in large measure to our governments.

I urge the government representatives on the Senate side to listen carefully to these arguments. This is not a partisan issue. It goes to the heart of governance and responsible government. I believe in responsible government. This is an irresponsible measure and will cause us great concern if we have to deal with it another time.

Hon. Michael A. Meighen: Will Senator Grafstein accept a question?

Senator Grafstein: Yes.

Senator Meighen: I find his argument — that if it ain't broke, don't fix it — persuasive. Would he agree that if we had the American congressional system, we would not have a choice as to whether there should be a fixed term? Would the honourable senator agree that their system would break down if there were no fixed term? I suppose one could then argue, although I do not think it applies to the same extent, that our system is better if it does not have a fixed term, but that it can probably survive as it

does, as we are perhaps seeing in the jurisdictions that have adopted it, even though personally I am not favourable to it.

Senator Grafstein: Canadians are ingenious. We will make whatever comes before us work, but to my mind it will not work as well as the existing system. The existing system is working well. The party structures are in place. We hear the voices of minorities through minority powers. We hear it in this place. There are independent senators and senators on all sides. We hear it in the other chamber. The system is working.

To my mind, the American system has an entirely different structure. Americans do not have a choice because their Constitution is written that way. We have a choice. I always commend Senator Cools because she refers to the common law of Parliament. We have a common law of Parliament, and it is as binding on this Parliament as is the written Constitution. The common law is a series of measures that, after being adopted over a period of time, becomes a convention. The convention is as good as an existing law, a written statute. This convention, the convention that is built into our Constitution, is very clear. Our Constitution, as Senator Joyal points out, is very clear. It prohibits a Parliament from sitting longer than five years. That is it. That is a good, democratic measure. Parliament cannot overstay its welcome. It cannot be as, as Cromwell said, unwanted or unneeded. That is a good measure.

This proposal, however, is not a good measure. We will rue the day and the House of Commons will rue the day when Parliament passes this bill because the whole structure of reviews, responsibility and sensitivity will go down the drain.

I am not one of those people who believe that the Prime Minister wants to set up a West Wing on the other side. However, I do agree with the argument that if you nibble away, as Senator Cools has said, at the structures of Parliament, before you know it you have transformed it into a system that you will not like. It will be more costly and less responsive. We will have less responsible government. We believe in responsible government — peace, order and good government. This is not a responsible measure.

I urge senators on the opposite side to take this message back to their caucus and leadership and think this thing through. I do not think it has been thought through.

Senator Murray: I would like to ask a question of the honourable senator. What does he say to my apprehension that if we pass this bill as amended, send it off to the House of Commons and the government decides to embrace the amendment, we will then have a law with one minor improvement but with all the constitutional conventional flaws that he, Senator Joyal and others have pointed out? There must be another alternative.

As I said, I am prepared to vote to defeat the bill, but there are other devices. I do not know whether the six-month hoist would be in order, but sending the bill back to the House of Commons with a relatively minor amendment is leading with our chin.

Senator Grafstein: Honourable senators, that will give our side an opportunity to have a fresh debate about this bill within our caucus. Many of these measures — and I am sympathetic to what Senator Cools has said — have come to the Senate and to the

other side very quickly. We have a number of them before us. They are earth-shattering in terms of their implications and change. It is hard for us who are hard-working — and every senator in this chamber works hard on committees — to look at each of those measures as they come along and spend the necessary time reviewing them, as Senator Joyal and others members of the Legal Committee know. I say this with a degree of dismay because these are important issues. I always felt that I would leave this chamber stronger and better than I found it. I am afraid that if measures such as this are allowed to be adopted and accepted on the other side without a clear understanding of the implications, which we can do, we will not leave this place in better shape than we found it.

On motion of Senator Fraser, debate adjourned.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of His Excellency Dr. Naser Al Belooshi, Ambassador of the Kingdom of Bahrain to Canada. He is accompanied by his wife, Ms. Sharifa Benammour.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

CANADA PENSION PLAN OLD AGE SECURITY ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act.

He said: Honourable senators, I am pleased to participate at second reading of Bill C-36, to amend the Canada Pension Plan and the Old Age Security Act.

This bill is good news. Perhaps a testament to how good is the fact that Liberal and Conservative caucuses in the House and the Standing Committee on Human Resources both gave Bill C-36 their unqualified and unanimous support.

I have no doubt that members of the government and of the official opposition in the other place were able to agree as they did largely because they recognized that Bill C-36 will substantially improve the daily lives of many of Canada's seniors and some of those persons with long-term disabilities.

Honourable senators, I suspect that many of you often wonder as I do how particular items of public policy we discuss here are developed. Where do they come from? Are they initiatives of a new government or completing tasks of the former administration? Are they something dreamed up by the bureaucrats or do they end up before us due to the initiatives of the grassroots individuals who are the stakeholders?

• (1540)

How did this legislation come into being? I think it tells a good story. The development of Bill C-36 into what we have before us today involves a little of everything that I mentioned above. It has evolved in order to fix a problem that Canadian seniors with

disabilities raised with the Department of Human Resources and Social Development and with the federal and provincial politicians and the territorial people.

It is part of a multiple-step reform that started with the former Liberal government. It is also something the new Conservative government promised to Canadians during the past election to see that the job would be carried through and finished. Honourable senators, Bill C-36 is now before us. It will improve the administration and the transparency of the Canada Pension Plan, disability and the Guaranteed Income Supplement of Old Age Security.

Canada's public pensions are a source of pride for all Canadians. Ours is one of the most generous and stable public pension programs in the world. I believe Bill C-36 will keep it that way, honourable senators.

For more than half a century, Old Age Security has provided monthly benefits to seniors based simply on their years of residence in Canada. Since 1966, the Canada Pension Plan has contributed to the retirement income security of our seniors, their surviving spouses, their dependent children and people with disabilities.

Canada's retirement income system is designed for three tiers of security, with public and private pensions each meeting a specific purpose. Old Age Security is the first tier and provides Canadians with a basic level of income during retirement. Canada is almost unique and a leader among other countries in offering a lifetime basic pension where the only requirement is residence in Canada. Entitlement to an Old Age Security benefits is not based on work or citizenship but on residence in this country.

Honourable senators, this is helpful, for example, to people with permanent disabilities who may never have been able to participate or be employed in the Canadian work force but who can still receive their very own individual lifetime pension.

The second tier is the Canada Pension Plan. The CPP, and in Quebec the QPP, is available to those who are self-employed or employed. If one works in Canada, he or she contributes to the CPP and will eventually receive his or her own CPP retirement benefit. Old Age Security together with the Canada Pension Plan represents Canada's public pensions. The private pensions, together with Registered Retirement Savings Plans and Registered Retirement Income Funds, make up the third tier of our pension system.

If one takes the case, as was suggested the other day by Senator Baker, of his Aunt Susie, who was from a middle-income family, she can expect to receive \$1,200 a month from the OAS and CPP. However, Aunt Susie may want to have an additional retirement income, so she planned and invested in RRSPs. As she retires, she can depend on Canada's public pensions but she will also know that she can have additional income from her RRSP investments.

With our public pensions, these programs provide a foundation for income security for seniors. They provide a base income for all seniors and supplements for those who need them to reach a minimum standard and who do not have a private pension plan or RRSP or other investment-related income. For those

Canadians who depend on the public pension alone, the provisions of Bill C-36 will ensure that they can continue to have confidence in the Canada Pension Plan and the Old Age Security program. They can rely on the fact that the pension program will be there for them when they retire. It will allow them to take greater part in monitoring their contributions and planning for the future.

Honourable senators, Bill C-36 is recognition that as dependable as CPP-disability and the OAS programs already are they must continue to evolve and be adapted to the changing needs of Canadians and especially Canadian seniors. The OAS and CPP programs in place today represent the largest single expenditure of the Government of Canada. Over \$54 billion in benefit payments are provided annually to our seniors. With the demographic shift projected to take place over the next 15 years — and I refer in this regard to the recent report of the Standing Senate Committee on Banking, Trade and Commerce when we looked into the demographic time bomb and sounded a warning about this fast approaching problem — the numbers will inevitably keep growing, and at a fearsome and increasing rate of speed.

Canada's seniors are a commanding force in our nation today. Their influence is far-reaching. The government understands that seniors are healthier, wealthier and more technologically savvy than even 10 years ago. They have asked and deserve to be heard. The new government is listening. The changes in Bill C-36 reflect what thousands of Canadians have told members of Parliament and senators of all parties, as well as the Department of Human Resources and Social Development. Through letters, emails and formal consultations, our seniors have asked for improved access to their benefits.

Bill C-36 will help to modernize and streamline the delivery of CPP, OAS and Guaranteed Income Supplement benefits. It will allow our seniors to monitor their contributions. Under the present law, they can only get a statement once a year but now they will have multiple opportunities to get a statement, especially on the Internet. It will enhance all Canadians' access to Canada Pension Plan disability benefits.

Honourable senators, let me have a moment to highlight two of the new measures, one through proposed changes to the Guaranteed Income Supplement; the other to the Canada Pension Plan through proposed changes to CPP disability benefits.

Honourable senators, one of the most important changes in this bill is the provision that will permit low-income seniors to apply for their GIS benefit only once for rest of their lives. After a senior's initial application, his or her income tax information as provided through the Canada Customs and Revenue Agency, will determine access to GIS benefits. That senior would never have to reapply for the benefit regardless of fluctuations in his or her income. This is a tremendous improvement, honourable senators. It is something seniors have been asking for over and over in the past few years. This goes a long way to address their concerns.

Some MPs in the other place expressed concern about whether government will rely on this change to shift on to seniors the burden to make the initial application. The answer is no. The new

government understands that some seniors remain hard to reach and the Department of Human Resource and Social Development Canada reaches out to the most vulnerable members of society so that they are aware of the benefits available to them. It will expend extensive efforts to reach out to those seniors who do not file tax returns and encourage them to apply for the GIS.

A second key amendment in this bill will make it easier for long-term contributors to the CPP to qualify for the disability benefit. Currently, a person needs to contribute to the CPP in four out of the past six years before being eligible for the disability benefit, even if the individual has already paid into the plan for most of his or her life. Under this amendment in Bill C-36, people with 25 or more years of contributions will only need to contribute to the CPP in three of the past six years to be eligible for benefits which will then continue uninterrupted for as long as they meet the medical criteria. This change required a 7/50 consent of the provinces and territories and it will make a big difference to people whose illness or disability makes it impossible for them to continue working.

Honourable senators, these changes have been generated with individual Canadians in mind. They are actuarially sound. They reflect recommendations made by federal, provincial and territorial ministers of finance. They also address observations made recently by Canada's Auditor General. As well, they reflect the opinions of many individual Canadians. It is important to note that Bill C-36 is improving a pension system that is already recognized around the world for its excellence.

• (1550)

Honourable senators, we have a generous and compassionate old age pension and disability system that is the envy of many other nations. We are indebted to previous governments who made us one of the few G-8 countries to have reformed its public pension program so as to make it sustainable. Sustainability is now critical to our planning, especially if we are to remain a leader in the global community.

I am pleased to be able to advise honourable senators that the chief actuary has recently made a full review of our public pension system, including the proposed measures set forth in Bill C-36. The chief actuary has concluded that our sustainable system is actuarially sound and that even with the proposed changes it will continue to support Canadians for generations to come. This, of course, is critical given the demographic situation to which I referred.

Approximately 12 per cent of Canadians today are seniors. Within 25 years or less, that percentage will have doubled to one out of every four Canadians. Canadian citizens are counting on us to ensure that this strong pension system is there for them over the long haul.

We also must ensure that all our seniors receive the benefits to which they are entitled in a most efficient and timely way. I have heard from numerous seniors about how proud they are of being over 65, living in Canada today and receiving their OAS and CPP benefits, and even of learning about their entitlements on the Internet. These seniors are shopping online, they are banking online and, yes, honourable senators, they would like to apply for their pension benefits online. We want to make this happen.

Bill C-36 will allow them to review their contributions online and eventually to make applications there as well. Seniors and near seniors wish to use the Internet to their advantage just as much as younger Canadians do. The Old Age Security Program and the Canada Pension Plan are the cornerstones for retirement income security in Canada. We want to improve their administration, streamline it and make it simpler and more user friendly for Canadians to apply and receive these benefits. We also need to strengthen accountability and fairness in the system, as well as streamlining the delivery of the prescribed benefits.

Bill C-36, I submit, will achieve these goals. There generally exist ways to make a sound system even better, but we must be equally diligent at the same time not to upset the fiscal balance that gives strength to the Canadian retirement income system.

Therefore, I would ask all senators to support Bill C-36 and give it the consideration and review in committee that it deserves so that Canada's seniors may benefit from the changes proposed as soon as possible.

On motion of Senator Tardif, debate adjourned.

[Translation]

DRINKING WATER SOURCES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future.
—(Honourable Senator Comeau)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I would like to say a few words about this important bill and I believe I am not the only one. However, as I do not have my notes with me, I move to adjourn this debate for the time being.

On motion of Senator Comeau, debate adjourned.

[English]

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.—(Honourable Senator Oliver)

Hon. David Tkachuk: Honourable senators, Bill C-288 ensures that Canada will meet its global climate obligations under the Kyoto Protocol. It is a deathbed repentance by the Liberal Party of Canada. Bill C-288 is an attempt at redemption for wasted time, inordinate obfuscation and deliberate deception. All this they have done to their friends. Liberals run around saying they are friends of the environment and, of course, poor people, mothers and babies — and Liberals are their friends, when they need them. Their line is, "Please, please, get me back in power and I will do all the things I promised and never did." It is no wonder they are such strong advocates of parole.

Then, of course, there is the Kyoto accord. It is an interesting agreement to protect us from CO₂ emissions, which we are told produces the greenhouse effect that produces warmer temperatures on earth. This, added to the methane produced by cows and water vapour, is warming our planet. While Kyoto excused the cows and said to heck with the water vapour, it focussed on CO₂ and some 168 nations signed the agreement.

The biggest polluters though — Russia, China and India — did not have to comply, and only 35 of the 169 signatories have mandatory targets. The argument goes like this: For whatever ideological or other reasons you failed to industrialize, you can do so now. Having learned nothing, of course, you can repeat the same mistakes we made: So pollute and emit CO₂ to your heart's content while we emit CO₂ and pay you money to buy air pollution credits so we can pollute as much as you. As long as these credits are cheaper than actually cutting emissions, we will keep on paying them.

The Americans and the Australians, of course, said thanks but no thanks, we will go our own way, but not Canada. Canada under the Liberals became a signatory. They had no intention, of course, of keeping their commitments. Signing the accord made them fellow travellers with the environmentalists but with no obligations.

It seems to me that when one makes a promise to someone, our allies or our friends, one should intend to keep that promise. Instead, the Liberals chose to deceive. This was the first plan of the Liberals on climate change. There were successive plans, as we shall see, but the first plan was to deceive.

• (1600)

Recently, Eddie Goldenberg, former Chief of Staff to former Prime Minister Jean Chrétien, admitted that the Liberal government ratified the Kyoto Protocol knowing Canada was not ready to take the tough measures needed to address climate change, and that they would likely miss the deadlines for reducing emissions. He also said that the government was not even ready at the time with what had to be done.

Stéphane Dion told *The Globe and Mail* last August — less than one year ago — that the Liberals only accepted the Kyoto targets because they were higher than those set by the United States, not because the targets were meaningful or because they made sense, but solely because Jean Chrétien wanted, as Dion said, to trump the Americans.

There is more evidence that the Liberals had no intention of meeting the Kyoto targets. Just this month, former Liberal Environment Minister Christine Stewart stated that the Liberals ignored climate change and did not act for 10 years. She admitted

[Senator Angus]

the reason was politics, pure and simple. Bill C-288 is nothing less than definitive evidence that they are still playing politics with the environment.

Ms. Stewart's remarks were followed in February by those of David Anderson, former Liberal Environment Minister for five years. He said that he was removed from that portfolio by Paul Martin, not for failing to do his job on Kyoto but for trying too hard to do his job.

Mr. Anderson said that Stéphane Dion was chosen to replace him because he was far less keen on Kyoto than was Anderson. As Minister of Intergovernmental Affairs, Stéphane Dion was more interested in placating the provinces, most of which, as we all know, were opposed to Kyoto. He said that Dion's appointment was meant as a signal to those provinces that things would not be so aggressive.

That was the Liberal plan all along — to have no plan but to talk big about meeting targets with no intention of ever doing so. Thus, when our former Environment Minister, Rona Ambrose, went to environmental meetings in Europe to tell them, honestly for a change, that Canada would not be able to meet its Kyoto commitments, Senator Mitchell and others here ridiculed her and said that she was not providing leadership on the environmental file.

Senator Mitchell must have known what Eddie Goldenberg knew — that the signing was a ruse and a cruel joke on Canadians. When Mr. Dion was Environment Minister, surely he knew that the Kyoto targets would not be met. This must have been discussed in caucus, or was it a secret of the PMO? Oh, Garth Turner, where are you when we need you? Liberals in this place owe Rona Ambrose an apology. You may not have agreed with Ms. Ambrose, but she was being nothing less than honest, and her successor, Mr. Baird, has continued to be honest and realistic about the challenge we face. Testimony to that fact is Budget 2007, tabled this week in the other place, which includes a host of measures directed at the environment. I shall list some of the measures provided for in the budget: The budget provided \$1.5 billion to the Canada ecoTrust for Clean Air and Climate Change to support major environmental projects with provinces and territories; it committed to identifying additional measures to promote promising new clean energy technologies like carbon capture and storage; the budget phased out the accelerated capital cost allowance for general investment in the oil sands by 2015.

Budget 2007 also included measures to promote cleaner transportation, including, an additional \$2 billion over seven years to support the production of renewable fuels, including a \$1.5-billion incentive to support the production of renewable biofuels, such as ethanol and biodiesel and \$500 million for Sustainable Development Technology Canada to invest with the private sector in establishing large-scale facilities for the production of next-stage generation renewable fuels. The budget also included a vehicle efficiency incentive structure that will include a new rebate of up to \$2,000 on the purchase of a new, fuel-efficient automobiles and a green levy on new fuel-inefficient vehicles. The budget also provided for \$36 million over the next two years for "scrappage" programs to retire older vehicles and extension of the public transit tax credits to electronic fare cards and weekly passes used on an ongoing basis.

Honourable senators, all of this and more are included in this year's budget. Senator Mitchell says, as he did a few weeks ago, that climate change is one of the most important issues, if not the most important issue, to face this country in the last 50 years. Well, let us see what the Liberals had to say in the last election. Let us begin in Alberta, Senator Mitchell's home province. Honourable senators will be interested to learn that, in the "Made-in-Alberta" section of the Liberal platform for the last election, the word "Kyoto" does not appear. There is no mention of Kyoto, even in the section on the environment. What about the rest of the platform? They continued to brag about their vaunted environmental record but there was not a mention of the fact that greenhouse gas emissions had increased 27 per cent above the 1990 baseline level under their watch. Liberals will be pleased to know that south of the border in the United States, GHG emissions increased by only 15.8 per cent over roughly the same period.

What about 2004? I did a scan of the Liberal election platform for that year, and the word "Kyoto" was mentioned only once in a document that is 58 pages long and only at the end of the document in passing reference to the fact that the Liberal government ratified the Kyoto Protocol. That is what I call treating the greatest threat to this country in 50 years with Liberal urgency.

However, they had plans, honourable senators, they had plans. The Liberals are full of plans. Their whole record consists of plans. Those plans include Action Plan 2000, which was followed by the Climate Change Plan for Canada introduced in 2002, which followed in April 2005 by the release of Moving Forward on Climate Change, more popularly known as Project Green, an ambitious strategy to reduce GHG emissions, but all the while emissions continued to rise.

Mercifully, instead of having to wade through the plans myself, Canada's environment commissioner did much of the work for me. In her report on the Liberal record on the environment, which was released last September, she provided a little summary chart of the various Liberal plans. She described Action Plan 2000 as a selection of measures targeting key sectors such as oil and gas, thermal electricity, transportation and buildings, which together accounted for over 90 per cent of Canada's emissions.

Then she described the Climate Change Plan for Canada released in 2002. It was time to move to another plan — phase two. This plan was a three-step approach to reducing GHGs by 240 million tonnes. The first step was actions already underway to reduce 80 million tonnes. The second step was to reduce a further 100 million tonnes by measures across seven key sectors. The third step was future actions to reduce the remaining 60 million tonnes.

Now that the Liberals had all of that out of the way, it was time to move on to phase three, Project Green. We have to remember that during this whole time nothing happened. Project Green promised transformative long-term change while ensuring economic growth.

That was Kyoto taken care of — end of story. Instead of reducing emissions by 575 million tonnes, under the Liberals emissions increased. In fact, by 2004 they increased 27 per cent above the 1990 baseline level. That is 35 per cent above the

Liberal government's own self-imposed Kyoto targets. That, in turn, was one of the largest posted by any nation that committed to a Kyoto emission target. As Michael Ignatieff famously said, "Stéphane, we did not get it done." Nothing got done, except television advertisements about the One-tonne Challenge.

Still, the Liberals had more plans. I want to quote from something that I took from the Liberal's election website. This is from a section entitled, "Meeting Our Kyoto Goals:"

We are addressing climate change by promoting reductions in greenhouse gas emissions and encouraging the development of environmental technologies. We are building on existing tax measures to encourage Canadian businesses to invest more in efficient and renewable energy generation. Together these efforts will honour our Kyoto commitments by helping Canada reduce its greenhouse gas emissions by 270 megatonnes.

Promoting, encouraging, helping. I wonder if these were the kinds of half-hearted measures they were thinking about when they voted on the other side to support Bill C-288. I doubt it, but that is exactly the kind of wish-washy commitments they ran on in the last election — that and their record on the environment.

Let us take a look at that record — the one referred to in such glowing terms by Senator Mitchell. I wish I could say my outlook on that record is as sunny as his, but it is not. I fear if it were, that it is just one more thing the Liberals would attribute to climate change.

• (1610)

Let me recall for you some of what Senator Mitchell said when he spoke on this bill. First, he took great umbrage at the widely quoted notion that the Liberals had 13 years to do something, but did nothing. No, he corrected, it was only eight years. Kyoto was not approved until 1997 and was not finally ratified until 2005, so it only took eight years to do nothing.

There are a number of observations I could make here. One is surely the Liberals believed that climate change was underway prior to Kyoto. I guess the Liberals need international permission before they can take action to deal with — and let me repeat Senator Mitchell's words — "... one of the most important issues, if not the most important issue, to face this country in the last 50 years."

Those years when nothing got done under the Liberals were not wasted years, he said. The Liberal green plan — the aforementioned Project Green — was a huge public policy initiative, and it took great effort to ensure that it was structured properly.

Tell that to the Commissioner of the Environment, who had a different view on this so-called great effort of the Liberals. She wrote:

Canada adopted the Kyoto Protocol in 1997. We expected that the federal government would have conducted economic, social, environmental, and risk analyses in support of its decision to sign the Kyoto Protocol . . .

Too bad Senator Ringuette is not here.

. . . before taking on what the Government of Canada now considers to be the most challenging target among Kyoto signatories. With regards to the specific target, we found that little economic analysis was completed, and the government was unable to provide evidence of detailed social, environmental, or risk analyses.

No wonder all those earlier plans came to naught. Still, the end result of this "great effort" — which, according to the sponsor of the bill, took nearly seven years and then another eight months under Stéphane Dion, was Project Green, the plan for the future that they never got a chance to implement.

It is worthwhile taking a closer look at Project Green, worthwhile because in many respects what it prescribes stands in stark contrast to what they are proposing we do in Bill C-288.

Project Green calls for a partnership among Canada's governments, federal, provincial and municipal. Bill C-288 provides precious little time for such partnerships. It puts a legal obligation on the federal government to fully meet its obligations under Article 3, paragraph 1 of the Kyoto Protocol and to develop a plan to do so within 60 days of the bill coming into force and not later than May 31.

Where is the time for consultation with other governments that the Liberals acknowledge is crucial in Project Green? Where is the allowance for that in Bill C-288?

What about the effect on the economy? Let me quote from Project Green:

The government of Canada is committed to the transformative, long-term change required to make reductions in GHG emission while ensuring continued economic growth. In achieving that transformation we believe we will meet our Kyoto targets while maintaining a productive and growing economy.

While Project Green allowed the Liberals to take the economy into consideration in meeting Kyoto targets, Bill C-288 makes no such allowance. It does not allow for the economic impact of meeting the Kyoto targets at this late stage of the game; yet, we know how devastating that impact would be on the Canadian economy.

While this bill provides no room for the Conservative government in this area, Project Green explicitly acknowledged the need for flexibility. Let me read another passage from that document:

Our Kyoto commitment will be realized taking into account that the precise challenge it sets for Canada is a function of many variables, such as economic growth and energy prices, that can be estimated but cannot be known with certainty in advance. . . . We will engage provinces and territories, Aboriginal peoples, municipalities, industry, non-governmental organization, and all Canadians in its implementation so as to maximize the conditions of success to reflect public input, lessons learned and results achieved.

Honourable senators, Project Green makes no commitment to Kyoto's short-term targets nearly as stringent as those prescribed in Bill C-288. The most it binds the Liberal Party to is to mobilize Canadians in a national effort to enable Canada to respect its Kyoto commitments in the short term.

Now, that is as artful bit of linguistic obfuscation as I have seen recently, and far different from clause 7 of Bill C-288, which would require the Governor-in-Council, within 180 days of the act coming into force and at all times thereafter, to ensure that Canada fully meets its obligations under Article 3, paragraph 1 of the Kyoto Protocol. Nor did any of the candidates who vied with Mr. Dion for leadership of the Liberal Party dare to make such stringent commitments to Kyoto.

Gerard Kennedy said the government should reaffirm its targets under Kyoto or any future climate change treaties, the latter part of that sentence sounds a little reckless to me, but also amounts to less than a binding commitment.

Mr. Dion himself, during the campaign for the Liberal leadership, undercut Bill C-288 in advance. He stipulated in the section on Kyoto in his platform that: If the initiatives outlined in this policy statement were implemented by early 2007, Canada could achieve its 2012 Kyoto targets.

Well, given that this bill is yet to reach committee in the Senate and given that it gives the government 60 days after the act comes into force to come up with a plan and 180 days to implement it, I ask: How can those who support this bill expect our Conservative government to do what the Liberal leader acknowledges he could not do if he got started later than early 2007?

Mr. Dion also wrote in his public policy statement that an additional year of inactivity, however, would make it virtually impossible to meet this target on time; yet, C-288 obliges us to meet these commitments come hell or high water.

Let us get to the man that Senator Mitchell supported for the leadership, one Michael Ignatieff. During the leadership campaign, Mr. Ignatieff created a splash by talking about a carbon tax, which I am sure is also the position of Senator Mitchell. He also talked about staying committed to Kyoto but failed to make any commitment to meeting short-term targets. Instead, he argued that good environmental policy needs to be implemented gradually in step with the normal rate of new investment.

I am sure that Senator Smith would also agree with that statement.

Honourable senators, Bill C-288 would saddle this government with an agenda that the Liberals themselves could not meet, and that they have admitted they could not meet. No less than the new leader of the Liberal Party, Stéphane Dion, the last Liberal Minister of the Environment, has admitted as such. Let me quote from a *National Post* article dated July 1, 2006, headed "Dion says targets can't be met." It went on to say that Stéphane Dion has conceded that a future Liberal government would be unable to meet its Kyoto commitment of reducing greenhouse gas emissions below 1990 levels. The article quoted Mr. Dion as saying:

In 2008, I will be part of Kyoto, but I will say to the world I don't think I will make it. Everyone is saying target, target. But . . . it is to be more than to reach a target. It's to change the economy. It's to have resource productivity, energy efficiency when we know that energy will be the next crisis for the economy of the world.

The only thing Mr. Dion got wrong is the notion that in 2008 he will not be part of Kyoto.

Liberals are big cheerleaders for meeting the Kyoto targets now that they have neither the power nor the responsibility to meet them, now that they know that the price for meeting what their leader has admitted are unrealizable objectives will be paid for by someone else and not by them.

Honourable senators, given the Liberal record on the environment, Bill C-288 is one of the most hypocritical and cynical pieces of legislation I have seen in all my years here in the Senate. Its purpose is to force an unreasonable and unacceptable undertaking on this government, an unconstitutional undertaking to ensure that Canada meets its Kyoto greenhouse gas reduction target that amounts to a 6 per cent reduction from 1990 levels by 2012 — targets the Liberal leader has admitted he could not meet, targets set, as I said earlier, to trump the Americans.

• (1620)

This is hardly surprising given the Liberal penchant for reflexive anti-Americanism, but it is also a deplorable basis for developing a sound environmental policy, unless of course you have no intention of implementing that policy, which, as we are learning more and more, was exactly the plan of the Liberals. The Liberals now want to force the government's hand to do something that they themselves would not. Not only that — things got worse under the Liberals. Now they want us to get it done through this flawed piece of legislation.

I do not disagree that the climate is changing, but as 60 international scientists, all climate change experts, noted last year, the climate changes all the time due to natural causes and the human impact remains impossible to distinguish from this natural noise. So much for the so-called international consensus on climate change.

More importantly, some scientists do disagree with the recent and much ballyhooed UN report of the Intergovernmental Panel on Climate Change, known as the IPCC. Actually, it was the summary of the report and there will be a further report in the fall. It apparently did not settle all the arguments.

Mario Molina is the Nobel scientist who, 30 years ago, helped discover the connection between pollution and the thinning of the ozone layer. His most recent discovery? It is not global warming that is contributing to the recent increase in the number and intensity of storms on the West Coast, but rather airborne soot, particles from factories in China and India, the same countries that do not have to abide by the Kyoto Protocol.

The principle of a private member's bill forcing a government to implement a costly program such as this turns responsible government on its head. I ask all senators to vote against this bill and any other bills like it. I would like to move an amendment because this bill is so unusual and is constitutionally so in doubt.

MOTION IN AMENDMENT

Hon. David Tkachuk: Therefore, honourable senators, I move, seconded by the Honourable Senator Comeau:

That Bill C-288 be not now read a second time, but that the subject matter thereof be concurrently referred to the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Energy, the Environment and Natural Resources;

That the committees report back no later than December 31, 2007; and

That the order to resume debate on the motion for the second reading of the bill not appear on the *Order Paper and Notice Paper* until such time as both committees have reported on the subject matter of the bill.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Hon. Lowell Murray: Honourable senators, I will reserve judgment on the amendment that Senator Tkachuk has just proposed. I must confess that I am as sceptical of that amendment as I was of the amendment to another bill proposed earlier today by Senator Joyal, and for the same reason.

My honourable friend Senator Tkachuk delivered himself of a root-and-branch denunciation of the bill and then, instead of simply announcing his intention and the intention of his colleagues to vote against the bill, proceeded to send off the subject matter for further study to not one, but two committees.

I have an argument that I wish to make about the bill in general, in something of the same terms that I argued against an earlier bill today. It is standing our system of responsible government on its head. I want to elaborate on that point and place the argument before the Senate. However, while it is not past my bedtime, the hour is late and I will move adjournment of the debate.

On motion of Senator Murray, debate adjourned.

• (1630)

ELECTED SENATE

PROPOSED MODEL—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Hays, calling the attention of the Senate to the issue of developing a model for a modern elected Senate, a matter raised in the First Report of the Special Senate Committee on Senate Reform.—(*Honourable Senator Tkachuk*)

Hon. Joan Fraser: Honourable senators, this inquiry stands at day fifteen, and there is no way that I can do it justice now. I have been rereading Senator Hays' thoughtful and learned remarks when he first launched this inquiry, and I think it is important for us to pursue this issue, not only because there is, as we know, a bill before the House of Commons calling for an election-that-dare-not-name-itself-an-election-of-senators, but also because, as

we know, this chamber has been involved for some months now in consideration of two measures that would change the nature of this chamber in significant ways. The more time I spend studying those proposals, the more I realize how important it is for all of us to try to look at the whole dynamic of what proposed or potential changes to this institution that we all cherish would do, what the effects would be and what the consequences would be to the extent that we can foresee them.

I was in a meeting of the Standing Senate Committee on Legal and Constitutional Affairs this morning where someone speaking of the House of Lords, an expert, observed that no one understands the House of Lords as well as its members. I think that is possibly even truer of the Senate than it is of the House of Lords. If we do not address ourselves to these issues in as thoughtful and knowledgeable a way as we can, then I do not know how we can expect anyone else to do so.

Honourable senators, I move the adjournment of this debate for the balance of my time.

On motion of Senator Fraser, debate adjourned.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns Thursday, March 22, 2007, it do stand adjourned until Monday, March 26, 2007, at 6 p.m.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Motion agreed to.

[English]

ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCESCOMMITTEE AUTHORIZED TO EXTEND DATE
OF FINAL REPORT ON STUDY OF THE CANADIAN
ENVIRONMENTAL PROTECTION ACT

Hon. Tommy Banks, pursuant to notice of March 20, 2007, moved:

That, notwithstanding the Order of the Senate adopted on September 27, 2006, the date for the presentation of the final report by the Standing Senate Committee on Energy, the Environment and Natural Resources on the review of the Canadian Environmental Protection Act (1999, c. 33) pursuant to Section 343(1) of the said Act; be extended from March 31, 2007 to October 31, 2007.

He said: Honourable senators, the motion standing in my name is self-explanatory. It has to do with the length of time it is taking us to finish this important and mandated work.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion.

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY

Hon. Joyce Fairbairn, pursuant to notice of March 21, 2007, moved:

That, notwithstanding the Order of the Senate adopted on April 26, 2006, the date for the presentation of the final report by the Standing Senate Committee on Agriculture and Forestry on the present state and the future of agriculture and forestry in Canada be extended from March 31, 2007 to March 31, 2008.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

Hon. Senators: Agreed.

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF RURAL POVERTY

Hon. Joyce Fairbairn, pursuant to notice of March 21, 2007, moved:

That, notwithstanding the Order of the Senate adopted on May 16, 2006, the date for the presentation of the final report by the Standing Senate Committee on Agriculture and Forestry on rural poverty in Canada be extended from April 30, 2007 to December 31, 2007.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Translation*]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Maria Chaput: Honourable senators, pursuant to notice of March 22, 2007, I move:

That the Standing Senate Committee on Official Languages be authorized to sit at 4 p.m. on Monday, March 26, 2007, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

The Senate adjourned until Monday, March 26, 2007, at 6 p.m.

THE SENATE

Monday, March 26, 2007

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

[Translation]

SENATORS' STATEMENT

QUEBEC ELECTION

Hon. Marcel Prud'homme: Honourable senators, I am very disappointed that reasonable accommodation was not made to enable us to be in our ridings this evening to mourn the defeat or celebrate the victory of our compatriots in Quebec. In any case, I already voted for the Action démocratique du Québec in a riding where the PQ is most likely to win.

[English]

ROUTINE PROCEEDINGS

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the tenth report of the Standing Senate Committee on National Security and Defence, an interim report entitled *Canadian Security Guide Book 2007: An Update of Security Problems in Search of Solutions—Border Crossings*.

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1805)

[Translation]

APPROPRIATION BILL NO. 4, 2006-07

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-49, An Act for granting to Her Majesty certain sums of money for the federal service of Canada for the financial year ending March 31, 2007.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

[English]

APPROPRIATION BILL NO. 1, 2007-08

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-50, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, notwithstanding rule 57(1)(f), bill placed on the Orders of the Day for second reading at the next sitting of the Senate.

• (1810)

ORDERS OF THE DAY

THE ESTIMATES, 2007-08

INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES— DEBATE ADJOURNED

The Senate proceeded to consideration of the thirteenth report (first interim) of the Standing Senate Committee on National Finance, (2007-08 Estimates), presented in the Senate on March 22, 2007.

Hon. Joseph A. Day: Honourable senators will have the thirteenth report, which was circulated earlier, that deals with the first interim supply for the fiscal year beginning April 1, 2007, to the end of June of 2007.

Honourable senators, this interim supply is based on the Main Estimates for the fiscal year 2007-2008, parts I and II, which have been circulated to honourable senators. Your committee has had the opportunity to begin the study of these estimates. With the mandate given by the Senate, the committee has the authority and the obligation to study these Main Estimates for this fiscal year coming throughout the year, and later this evening I will give a final report on the fiscal year ending March 31.

This is the beginning of the study of these Main Estimates for the coming year. I would like to give you some background so that you will have an understanding of what you are being asked to vote for.

The voted authorities are those for which the government must ask Parliament's approval annually under the Appropriation Act. Appropriation Bill C-50 was tabled earlier this evening, and we will begin dealing with it tomorrow. It is our practice to study the material that comes under the Appropriation Act before it arrives here because things move so quickly. Once the Appropriation Bills arrive, they can be compared to the pre-study. That, in fact, is what we have done. We will confirm the information that is in these Main Estimates with the schedules that are attached to Bill C-50, which we have just received. Then I will speak on Bill C-50 in due course and confirm its content.

Once approved, the vote wording and the approval amounts become the governing conditions under which the expenditures may be made by the government. It is important for honourable senators to understand, however, that it does not commit the government to spending the entire amount that appears in the Main Estimates. They cannot, however, spend more than the amount that appears in the Main Estimates or in the appropriation bill that flows from the Main Estimates, without filing supplementary estimates, in the form of Supplementary Estimates (A) and Supplementary Estimates (B). Typically, we would see those bills later during the fiscal year, sometime in June, with another supply bill for the balance of the year based on the Main Estimates. Keep in mind that we are dealing with interim supply at this stage, and our first report, and then a Supplementary Estimates (A) probably in October or November, if that is deemed to be appropriate by the government, and a Supplementary Estimates (B) late in the fiscal year to pick up any of those items that could not have been dealt with in detail in the Main Estimates.

The President of the Treasury Board, Mr. Toews, appear before the committee. He outlined the government plan for the coming fiscal year, which honourable senators will see in our report.

One area of concern to honourable senators was the growth in spending in this fiscal year. We have prided ourselves for over ten years now in not going into deficit. It is important for honourable senators to listen to the government's plans with respect to expenditures.

These particular Main Estimates project an increase of \$12 billion or 6 per cent year-over-year. That is the Main Estimates of last year versus the Main Estimates of this year. The Treasury Board President agreed that there are, however, a number of new spending proposals in the March 2000 budget totalling some \$4.4 billion that will be reflected in supplementary estimates. So we have a \$12 billion increase, plus the budget, which is not reflected in these estimates. There will be additional expenditures of approximately \$4.4 billion as a result of new programs announced in the budget. That is a forecasted increase in excess of \$16 billion, honourable senators. We will want to keep a close watch on that as the supplementary estimates come before us.

The committee has been interested for some time in the government's progress towards implementing full accrual accounting, as recommended by the Auditor General, and as recommended by your committee. The difficulty is that the

budget is presented in an accrual basis of accounting. The cash based appropriations that we have requested with certain budget initiatives, when converted to cash from accrual, will be larger than they appear on an accrual basis. To that extent more funding might be requested.

Honourable senators, it is difficult for your committee to follow the differences between accrual based projections by the government and cash based appropriation bills and Main Estimates. This cannot continue because we cannot compare year-over-year increases in expenditure in a meaningful way. Upon hearing an announcement by the government, we must now ask the government official, is that a cash based or an accrual based announcement? We saw that last year. Otherwise, we are not able to determine what in fact is being promised when an announcement is made.

We had great difficulty with respect to the announcements by the previous government and the current government on National Defence programs that were being introduced.

Honourable senators, we will keep an eye on that for you as we go through the year. There were other issues that we wanted to talk about, and we raised with the minister, including the ecoTrust initiative. We were interested in learning about that initiative and the progress made in implementing expenditure reduction initiatives. As I indicated, your committee will continue to study these particular matters as we progress.

What I typically like to do at the beginning of the fiscal year is look at the entry for Parliament. That is always an interesting area as we compare the Senate to the House of Commons.

The Senate's program expenditures for fiscal 2006-2007 Main Estimates was \$53 million. The Main Estimates for this fiscal year show an increase to \$56 million. That is an increase of \$2.3 or \$2.4 million, Main Estimates over Main Estimates. The increase for the House of Commons is \$7.3 million. If you look at the number of senators versus the number of the members of the House of Commons, it is approximately three to one. If you take the \$2.3 million increase for the Senate, you would expect to see about \$6.9 million for the House of Commons. In fact, it is \$7.3 million.

• (1820)

We will keep an eye on these increases as we go along, but often, honourable senators, we are given a percentage increase. Percentage increases year over year are not helpful when we compare \$400 million to run the House of Commons and \$84 million to run the Senate. It is important to look at the precise figures and the real amounts rather than percentages to determine how well we are doing in comparison to the House of Commons in providing public services.

At this stage, I ask honourable senators to consider adopting this first report from the Standing Senate Committee on National Finance, which will provide the basis for the supply bill, Bill C-50, which has been introduced.

Hon. Lowell Murray: Honourable senators, I do not want to disappoint my friend, the chairman of the committee, but I prefer not to adopt the report. I prefer to leave the motion on the Order Paper so that we can have a wide-ranging debate on matters I will refer to in a moment.

As my friend and other honourable senators know, it is not necessary to adopt the report to proceed with the appropriation bill that is related to it.

I notice that nobody has put down a notice of motion or a notice of inquiry that would give us the latitude for a general discussion of budgetary policy in a more coherent and organized way than is possible during the oral Question Period. I say that with great respect to those who have been asking the questions and those who have been answering them. If we want to discuss the budgetary policy of the government, there should be the occasion for a proper debate on it.

Either of the appropriation bills would probably provide the latitude that is necessary. However, we must be realistic. Those appropriation bills usually carry time constraints that are on the government — and, indeed on Parliament. The committee report, however, is in a different category altogether. We can leave that motion on the Order Paper and take the occasion of that debate for a more general discussion of the budgetary policy of the government.

Therefore, unless there is some grave procedural or other objection, I propose to move the adjournment of this debate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Murray, debate adjourned.

THE ESTIMATES, 2006-07

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) ADOPTED

The Senate proceeded to consideration of the eleventh report of the Standing Senate Committee on National Finance (Supplementary Estimates (B), 2006-07), presented in the Senate on March 21, 2007.

Hon. Joseph A. Day moved the adoption of this report.

He said: We are dealing, honourable senators, with the eleventh report of the Standing Senate Committee on National Finance, dealing with the report on Supplementary Estimates (B).

As I indicated earlier, the typical flow of the fiscal year is, first, Main Estimates; we deal with an interim supply and then full supply based on the Main Estimates. Then typically, to implement the initiatives during the year, such as the budget, we have Supplementary Estimates (A) and Supplementary Estimates (B). We dealt with Supplementary Estimates (A) in November, and Supplementary Estimates (B) take us to the end of the fiscal year. They deal with late initiatives by the government that were not reflected in earlier statutes or in earlier estimates.

Honourable senators will recall that we had a bit of a strange year last year because of the election. Interim supply ran not to the end of June, but went to the end of November. This year, we are back into a normal cycle with respect to the Supplementary Estimates (B) concluding the fiscal year.

Since we are concluding the year, I will be brief concerning the next report that I will deal with, because it ends off the fiscal year and does not ask for more spending. However, this particular report does ask for more spending.

It asks honourable senators to agree to the government spending \$424.5 million to end out this fiscal year. That spending is offset by certain savings of \$314 million that we had already approved through various statutes. Therefore, the net amount that the treasury will be charged will be \$110 million to end out this fiscal year.

Honourable senators, during the year, changes to the government's spending plan are now reflected in these estimates. Because of the election and the late change in the opportunity for the government to start implementing its policy decisions, we saw a number of new initiatives and a significant amount of savings on old initiatives, which we had earlier approved in the supplementary estimates.

The supplementary estimates serve the purpose that I have indicated. They may seek authority for revised spending levels — and there is some revised spending here — that Parliament is asked to approve in an appropriation bill such as the one here. Second, they provide Parliament with information on changes to the estimated expenditures to be made under the authority of statutes previously approved.

We see in the estimates statutory approvals. Honourable senators do not have to vote on that statutory approval again. It is there for their information so they can see the entire picture of the government. There are voted appropriations and then, in the estimates, there are statutory amounts. That is helpful; in fact, we have asked for them to appear there.

Budgetary spending and non-budgetary is a term that appears in the reports. Budgetary spending is everything we would think the government should seek approval for in relation to the servicing of public debt, operating and capital expenditures, payments to Crown corporations and that type of thing.

Non-budgetary spending is outflows of money that will occur and therefore change the fiscal position of the government, but it is in the form of advance payments, loans and transfers to other departments. It must be reflected because it makes an impact, but a lot of this spending will come back in the form of repayments to certain loans and that type of thing.

Honourable senators, we discussed a number of items at length during the visit from the President of the Treasury Board, one of them being the reliance on supplementary estimates. An interesting statistic became available to us. Between the fiscal years 1989-90 and 1996-97, years in which the government was in deficit, supplementary estimates made up an average of 4.5 per cent of the total estimates submitted to Parliament — that is, the Main Estimates plus the Supplementary Estimates (A) and Supplementary Estimates (B). The supplementary estimates were an increase of only 4.5 per cent over the Main Estimates. Between fiscal 1997-98 and 2005-06, in which there were surpluses, the percentage of the supplementary expenditures over the Main Estimates doubled to 10.4 per cent.

What does that tell us? Government is watching to see if they will have a surplus. If they have a surplus, they start thinking about how they can spend more money. I am not certain that is a good way for governments to operate. We explained to the President of the Treasury Board that we would watch that particular trend and, hopefully, it will not continue.

• (1830)

We also discussed the environment. We asked if the government would be reporting the results of all programs that had been cancelled. The president indicated that he is in discussion with the Minister of Finance regarding the establishment of a system that would determine how often programs are reviewed and the cost of such a system. We would then know what programs are being cancelled, and they will indicate which programs are being cancelled because they were found to be ineffective or inefficient. We also wanted to know the process of determining effectiveness and efficiency and we have been assured that we will be receiving more detail in that regard.

We asked questions with respect to gender-based analysis and how that is assessed when programs are looked at from the point of view of efficiency. The Canadian Biotechnology Strategy is a new program for which the government is requesting \$1.9 million through these Supplementary Estimates, and we wanted to know about that.

Senators noted that the Canada Revenue Agency is requesting \$30.7 million for the implementation of a reduction in GST for the budget year 2006-07.

Canada Learning Bond and Canada Education Savings Grant were intended for low and modest income families to help children go to university or college. Unfortunately, there was a significant reduction in the uptake on these particular programs, which we found troubling. The President of Treasury Board agreed, and there is an indication that the government will increase the promotion of these particular programs to see whether we can generate a greater uptake on the money that had been allocated but just not used and not applied for.

These estimates seek \$16 million for additional public security and anti-terrorism, and we questioned the additional \$16 million. Estimates should only contain requests for money if the initiative is new, or is an initiative that could not be determined in detail at the time of the Main Estimates. We were curious as to what type of additional public security and anti-terrorism initiatives required an additional \$16 million. In fact, senators noted that, in addition to the \$153 million requested for this purpose in Supplementary Estimates (A) and the \$16 million in Supplementary Estimates (B), since budget 2001 the government has announced incremental funding totalling \$12.5 billion towards public security and anti-terrorism initiatives. This is a major expenditure and it is very important that we follow these expenditures. It is equally important that we see the expenditures coming not through the Supplementary Estimates but in the Main Estimates so that they can be given a full airing.

In conclusion, honourable senators, I want you to be assured that we have been looking at a number of other items that are of interest to you, and we have received assurances from the

President of Treasury Board that he will follow up on a number of these issues and provide us with more detailed information.

The other subject-matters that we looked into, namely the removal of geographic barriers for public service jobs, the ongoing cost of implementing and administering the Canada-U.S. softwood lumber agreement, funding for the RCMP towards hiring additional staff and for the Department of Justice Canada towards hiring new federal prosecutors, the status of the \$200 million that was recently committed by the government towards reconstruction in Afghanistan, and progress on the appointment of the new public appointments commissioner, which has not happened yet. As I stated, the President of Treasury Board indicated that he would be looking into providing us with further information.

In conclusion, honourable senators, I will now go to the listing for Parliament one more time and point out to you that the Senate, in the Supplementary Estimates (A) did not ask for any supplementary allocation or appropriation. However, honourable senators, the House of Commons asks for \$1.56 million in Supplementary Estimates (B), under the leading "Program Expenditures."

Senator Mercer: Shame!

Senator Day: The interesting thing, honourable senators, is that when you look into it, that is \$1.56 million in addition to the previous figure for program expenditures in the House of Commons. I looked at the previous figure and I thought there was something missing because, in the Main Estimates, it was \$256 million and they are showing authorities to date of \$259 million, which means that the House of Commons were asking for over \$3 million on Supplementary Estimates (A) and \$1.5 million on Supplementary Estimates (B), whereas the Senate did not seek additional funds on either supplementary estimates. It is important for the Committee on Internal Economy to be aware of that fact when we are discussing the funds available for senators to perform their tasks.

Honourable senators, I would respectfully submit that this report of the committee on Supplementary Estimates (B) be adopted.

Hon. Terry Mercer: Honourable senators, I was hoping that the Honourable Senator Day would take a question or two.

Senator Day: Thank you. I would be pleased to do so.

Senator Mercer: I want to clarify something. This is the second report that the honourable senator has spoken to this evening. I checked, and these reports were presented to the Senate on March 22 and March 21. Do we not need to have this bill passed by this Thursday? Is that correct?

Senator Day: I thank the Honourable Senator Mercer for that question. The reports can be compared to a pre-study. They are not exactly the same but they can be compared to that.

We have Bill C-49, which is a supply bill of appropriations that are reflective of the Main Estimates, for Supplementary Estimates (B). What we are dealing with at this time, and what I have just spoken on, is the report of your committee that

studied Supplementary Estimates (B). We gave a report on that. Supplementary Estimates (B) has two schedules, and those two schedules are part of what we have studied. Those schedules will be attached to Bill C-49, which we received today.

Debate will begin on Bill C-49 tomorrow. It is up to this chamber to determine what they would like to do with respect to that bill. It is our custom not to refer the supply bill to the Senate committee because we have already studied the schedules that are attached to it. Bill C-49 is at first reading tonight, and it will have second and third reading later this week or next week.

Senator Mercer: I am correct, then, that it is Bill C-49 that we received today and we are expected to pass it by Thursday?

Senator Day: That is not what is before you at the present time, Senator Mercer.

The Hon. the Speaker pro tempore: Honourable senators, I am sorry, but Senator Day's time has expired. Is the honourable senator asking for more time?

Senator Day: I wish to finish answering Senator Mercer's question. That would be helpful.

Hon. Senators: Agreed.

Senator Mercer: I am curious because each year that I have been here, as I have observed the proceedings of this chamber, it has been the complaint of many honourable senators that we receive this bill, or bills similar to this bill, every year from the House of Commons today, or on a day like today, and it is expected that we will pass it by the end of the month, which, in the parliamentary calendar, is Thursday, because we do not sit on Friday.

• (1840)

It seems to me that Canada's new government would do something new. They would be much more efficient down there than previous governments. I want to clarify that it is the same inefficiency from the House of Commons that we have seen before, and the pressure is now on the Senate to comply with this legislative deadline. Is that correct, Senator Day?

Senator Cools: Tell us. Come on, all learned senators, tell us.

Senator Day: The honourable senator refers to the bill that we will begin to debate tomorrow. I do not disagree. We have made that point many times with this government and the previous government that the time frame for the presentation of supply bills is too tight. We cannot deal with them until they have dealt with them and sent them here.

The process that is used in the House of Commons is not the process that we use. They go through the readings in the House of Commons in half an hour or 15 minutes. That is not the process we follow in the Senate.

I agree with the honourable senator. He might want to make that point tomorrow when we deal with the bill.

Senator Mercer: Canada's new government?

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

THE ESTIMATES, 2006-07

FINAL REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on National Finance (2006-07 Estimates), presented in the Senate on March 21, 2007.

Hon. Joseph A. Day moved the adoption of the report.

He said: Honourable senators, this is the final matter on which I will speak this evening. It deals with the close out of fiscal year 2006-07.

The first point I make regarding this particular close out of this fiscal year is with regard to Laura Danagher, who has been with the Treasury Board secretariat for several years and has been helpful to us — “us” being the Standing Senate Committee on National Finance — in finding our way around these documents and in trying to implement changes that make these documents more user friendly for us. In her appearance before us earlier this week, Ms. Danagher announced that it would be her last as she has received a promotion and is moving to another area within government. The Treasury Board Secretariat and the Standing Senate Committee on National Finance will miss her expertise and guidance. We wish her well as she undertakes her new responsibilities.

Honourable senators, this twelfth report is the final report for this fiscal year. Honourable senators gave us a mandate to study, throughout the year, the estimates of this year ending March 31. It is our custom to end the year with a final report and report back to you. The report is not extensive. I have referred to a number of points that are ongoing and will continue to be of interest and concern to us.

With respect to the work that honourable senators gave the committee during the year, we dealt with the first interim report in May 2006. We reported on the Supplementary Estimates (A) in November; we reported on Supplementary Estimates (B) earlier this evening; and, we now give you the final report.

One other item of investigation under the Main Estimates was provisions to safeguard the independence of the judiciary and the determination of judicial compensation and benefits. We filed that report in November 2006. Since the appointment of the judiciary continues to be of interest to parliamentarians, honourable senators may wish to refer to that objective report that your committee prepared for you.

Honourable senators, items of continuing interest are horizontal information displays. When the government spends money in many different departments, how do we know what the total cost is? That is called “horizontal displays,” going through

various departments. We continue to be interested in that information. It is not the way we would like to see it yet. It appears in the Supplementary Estimates, but it does not appear in all the estimates. We would like to see that and we have spoken to Treasury Board about that issue.

For example, if honourable senators want to know the total cost to the Canadian purse of the evacuation of Canadians from Lebanon, they must go to six or seven different departments in estimates, Main Estimates and supplementary estimates. We want the Treasury Board to display that so that we can know how much it cost by looking at a table: how much to Immigration, Foreign Affairs, National Defence and the various other departments that might be involved. That information is horizontal information display, which we will continue to work on.

Expenditure restraints are next. The minister, in his statement to us, said that the government had identified \$1 billion in savings, but only \$223 million was reported to us. There is still \$776 million in savings that the government has not been able to demonstrate to us as to where they are. They say the savings have been made and identified, but they are not able to tell us where. We continue to pursue that, and we have asked for clarification on that point.

We would like to know what the total cost is with respect to the Vancouver Olympics. It is unfortunate that we have a history of seeing this kind of initiative become a runaway expense, and we continue to watch that on behalf of honourable senators.

Regarding national defence accrual budgeting, I mentioned to you earlier that accrual budgeting versus cash is an unacceptable situation. It must be resolved. We have a private member's bill calling for the government to provide financial statements on an accrual basis. We bring the government in, and it says it would be a tremendous amount of work. The Auditor General has said to it, the House of Commons has said to it and, honourable senators, we need to be stronger in our statements. If we are halfway there, which we have been for the last six or seven years, we must finish it. We cannot continue to be halfway between the two systems.

Hon. Senators: Good for you.

Senator Day: Honourable senators, those are the highlights of our work for this year.

I would like to thank all honourable senators who serve on the Standing Senate Committee on National Finance. It is an extremely important committee. Your Senate looks at expenditures before they occur, as opposed to a lot of the work that is done in the other place where they look at public accounts a year and a half after expenditures occur. We need to continue to work in this area of estimates and where the government hopes to go.

I respectfully request the adoption of this report.

Hon. Tommy Banks: Honourable senators, some things that the Honourable Senator Day has said have given rise to some questions. Will he entertain a question?

Senator Day: I will be pleased to.

Senator Banks: Can the honourable senator give us a thumbnail of the rationale for the switch to accrual accounting, which, I gather, is desirable?

Can he then tell us whether he has confidence, based on what he has heard from the government, that the other half of the shoe will, in fact, drop within our lifetime, so that estimates might also be made on the basis of accrual accounting so that we can compare apples and apples? Otherwise, as the honourable senator has said, we do not know what we are talking about.

Senator Corbin: We do not know where the money is.

• (1850)

Senator Day: I thank Senator Banks for his questions.

The rationale for the accrual system is that it provides managers with a better tool to understand the assets they have under management. Say, for example, a truck is purchased. The life of that vehicle appears in the financial statements each year, and it is done on an amortized basis so that you can do your planning and see when you are getting down to the end of the life of that vehicle with capital cost depreciation. The manager will have in his mind what he or she is managing and what must be replaced down the line. If you proceed on a cash basis, you show the year that you pay for the item and then you forget about it.

The Auditor General and most accounting institutes will say that the accrual basis is a much better tool for managers. We have been moving towards letting the managers in the public service manage. Let the deputy minister manage that department and then hold him or her accountable. We have given the deputy minister the tools to manage, and then we can say: "Why have you not done that? Why were you not thinking in terms of replacing that truck down the line when you knew it was coming to the end of its life?"

That is a thumbnail sketch of the rationale. It is much more complicated than that. Sadly, I am not an accountant or I could give you a much more thorough explanation.

The decision to move to the accrual basis, for the reasons that I have explained, was made about 10 years ago. We need the political will that drives the civil service to implement this system. They have been proceeding slowly because it is easier to continue to do what you have always done, and progress seems to be much slower than is absolutely necessary. It is not, in my view, a major cost factor; rather, it is a mentality.

The House of Commons committees have shown the same frustration that our committee has shown. The other place has a report that should be dealt with soon, I understand, asking the government to set a time frame for the implementation of across-the-board accrual.

On motion of Senator Nancy Ruth, debate adjourned.

[Translation]

The Hon. the Speaker *pro tempore*: Do you agree, honourable senators?

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government):
Honourable senators, if Her Honour were to ask the question, she would find that it is agreed that all remaining items on the Order Paper and Notice Paper be allowed to stand in their place.

Hon. Senators: Agreed.

The Senate adjourned until Tuesday, March 27, 2007 at 2 p.m.

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Tuesday, March 27, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, March 27, 2007

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw to your attention the presence in our gallery of His Excellency, Eduardo Frei Ruiz-Tagle, President of the Senate of the Republic of Chile, and also His Excellency, Patricio Walker Prieto, President of the Chamber of Deputies of the Republic of Chile, together with a delegation of senators and deputies from the Republic of Chile who honour us by their presence in the Senate of Canada today.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

SENATORS' STATEMENTS

ABOLITION OF SLAVERY

TWO HUNDREDTH ANNIVERSARY

Hon. Consiglio Di Nino: Honourable senators, on Sunday, March 25, 2007, I attended two events at York University in Toronto. The first was a convocation at Osgoode Hall Law School, which awarded an honorary doctorate to Her Excellency the Right Honourable Michaëlle Jean, Governor General of Canada. The second was the inauguration of the Harriett Tubman Institute for Research on the Global Migrations of African Peoples. These events were also held to commemorate the two hundredth anniversary of the British Parliament's abolition of the Slave Trade Act of March 25, 1807.

My remarks are inspired by Her Excellency's address at the latter event. The institute was created to honour Harriett Tubman, an exceptionally courageous woman who escaped slavery in Maryland around 1850 and fled to freedom in Canada. In 1851, she began to rescue and relocate family members to St. Catharines, Ontario where she worked to save money to finance her role as a conductor on the Underground Railroad. She is believed to have brought hundreds of slaves to freedom.

Her Excellency's inspirational remarks included describing slavery as "one of the most barbaric crimes" ever committed, and described freedom as "the most precious gift of our ancestors."

As I listened and watched, a sensation of frustration and anger began to envelop me. From the words spoken and the images forming in my mind, it did not take long to realize that freedom is still only a distant dream for millions and millions of our fellow

men, women and children in too many parts of the world. In Her Excellency's words, "the new leopard did not show all of its spots," and "democracy has not flourished equally for all." How correct she is!

As the world watches, 1,000 human beings are still being butchered every day in the Democratic Republic of Congo. Darfur continues to be a killing field and, as our colleague Senator Segal reminded us with his motion last week, the situation in Zimbabwe worsens, with horrific and heinous crimes being committed every day.

Honourable senators, this is not an African problem. Democracy is not alive and well in our world. The tragedies of human trafficking, child and forced labour and the enslavement of women are occurring all around us. Anti-Semitism and racism are on the rise worldwide, right under the watchful eyes of governments. Human dignity is trampled on with impunity while the world watches. We are still talking in the hope that our words will shine a light on these issues and that things will improve.

CAVENDISH UNIVERSITY CUP

CONGRATULATIONS TO UNIVERSITY
OF NEW BRUNSWICK VARSITY REDS,
UNIVERSITY OF MONCTON AND CITY OF MONCTON

Hon. John G. Bryden: Honourable senators, I want to draw your attention to an event that occurred in my province during the last week. The University Cup, the national cup of university hockey called the Cavendish University Cup, was hosted by Moncton and the University of Moncton last week. The various regions represented were: the University of New Brunswick Varsity Reds; the University of Moncton Blue Angels, ranked number one throughout the season; Wilfrid Laurier Golden Hawks, representing the area of Ontario; University of Quebec at Trois-Rivières Patriots, who were representing Quebec; the University of Saskatchewan Huskies, who were ranked number two during the season; and St. Francis Xavier X-men.

• (1410)

The St. Francis Xavier X-Men and the Saskatchewan Huskies were knocked out of the tournament during the round robin, each with two losses. It must have been the refereeing.

Saturday, in the semi-finals, the University of Moncton Blue Eagles eliminated Wilfrid Laurier Golden Hawks, 5 to 4 in double overtime, and the University of New Brunswick Varsity Reds shut out the University of Quebec at Trois-Rivières Patriots, 6 to 0.

That set up the Sunday national championship game, which UNB won over University of Moncton, 3 to 2 in overtime, with over 6,000 screaming fans on each side from all over the province, to win the Cavendish University Cup, which is an emblem of supremacy in university hockey for all of Canada.

Honourable senators, I am sure you will join with me in congratulating the City of Moncton on the wonderful job that it did in staging this particular tournament, together with all the

participating teams — particularly the two teams from little New Brunswick that were the class of the tournament — and my alma mater, the University of New Brunswick Varsity Reds, for winning it all. They are the champions of Canadian university hockey.

Way to go!

CANADA-CHILE FREE TRADE AGREEMENT

TENTH ANNIVERSARY

Hon. David Tkachuk: Honourable senators, I have been privileged, over the last week, to attend a number of events at the Chilean embassy. A number of senators from Chile are visiting here in Ottawa, as well as a number of members of their house. In their country, both houses are elected, so it was a special privilege to meet them last night at Ambassador Ortega's home.

The reason for all this activity and my avid participation is that this year marks the tenth anniversary of the Canada-Chile Free Trade Agreement, which came into force on July 5, 1997.

As an aside, at the events hosted by the Chilean ambassador, Mr. Ortega, were a number of senators and members who will be travelling throughout the country. Two of them will be coming to my home province of Saskatchewan, to meet in Saskatoon this week on agriculture matters.

The Prime Minister who signed the Canada-Chile Free Trade Agreement was the Right Honourable Jean Chrétien, of course, and his trade minister was none other than Senator Art Eggleton. It is too bad he is not here today.

Mr. Chrétien and Mr. Eggleton have much to be proud of for following former Prime Minister Brian Mulroney's lead in promoting free trade as a way of the future. As us Catholics like to say, there is nothing more zealous than a convert — and converted they were.

I want to quote remarks Senator Eggleton made at the time before the Standing Senate Committee on Foreign Affairs and International Trade. He said:

We expect that this agreement will be a bridging agreement that will facilitate Chile's accession to the North American Free Trade Agreement, to NAFTA. . . . Not only does this agreement provide a considerable advantage. . . in terms of our European and Asian competitors. . . it gives us a leg-up on Chile's regional trading partners. . . as well.

This initiative is important to Canadian businesses. It's important that they get active quickly and it's important to get this implemented quickly. . . .

Since the Free Trade Agreement was signed, Canadian trade with Chile has more than tripled, from \$718 million annually in 1997 to \$2.3 billion today. There is much for us to be proud of in this anniversary year. I want to congratulate all involved, particularly Ambassador Ortega of Chile, who has been such a gracious host this past week.

QUEBEC ELECTION

RIGHT TO VOTE

Hon. Charlie Watt: Honourable senators, during Quebec's exciting election yesterday, my wife and I went to vote, only to find out we could not participate. We were not on the list. We were told that we were not from that particular community, which happened to be my own community.

This is not an isolated case. A few people were turned away because they could not participate. Again, they did not appear on the list.

• (1415)

Honourable senators, this is an important issue that I would like to bring to your attention. I am planning to make a formal complaint on the matter.

ABOLITION OF SLAVERY

TWO HUNDREDTH ANNIVERSARY

Hon. Tommy Banks: Honourable senators, Senator Di Nino has mentioned this fact, but I think it is worth mentioning twice. I want to take note of the fact that last Sunday, March 25, was the two hundredth anniversary of the Act of Abolition, which ended for all time transport by sea of the slave trade. On that day, 200 years ago, it received Royal Assent in the Parliament of Westminster.

There can hardly ever have been a more important, more unselfish and more noble act of any legislature anywhere. It is a shining example and a beacon in the progress of civilized government, and it is a height to which we should pay the greatest respect and to which we should all aspire.

HEALTH

ASSISTED HUMAN REPRODUCTION— APPOINTMENTS TO BOARD

Hon. Vivienne Poy: Honourable senators, in honour of International Women's Day, which was on March 8, I would like to speak to an issue that is of concern to women in Canada.

In December, the government announced 10 appointments to the board of Assisted Human Reproduction Canada. Last month, I received a plea from the Infertility Awareness Association of Canada that further appointments should include representation from fertility experts as well as patients, the women struggling to conceive.

In an article in the *Canadian Medical Association Journal* published February 27, it was noted that the government appointments went against the advice of an expert selection panel. To quote the article, the appointments led "some scientists to fear" that they were "intended to circumvent the legislation the Agency will enforce."

Health Canada already had a shortlist of prospective candidates, but of the 25 candidates recommended by the expert panel, only two are now on the board. According to the article, of

the board members appointed, "four have expressed socially conservative views on issues directly related to the board's mandate."

Dr. Michael Rudnicki, Scientific Director of the Stem Cell Network, an organization that brings together more than 70 scientists, clinicians, ethicists and engineers, speculates that:

It's analogous to having a Jehovah's Witness who is totally opposed to transfusions being appointed to the board of the Canadian Blood Services.

Since it is likely that the majority of the agency's mandate will involve looking after in vitro fertilization patients and regulating clinics, organizations such as the Infertility Awareness Association of Canada and other stakeholders should be brought to the table. It is therefore important that the government consider the views expressed in the *Canadian Medical Association Journal* and that of the patients in any possible future appointments in order to provide the board of Assisted Human Reproduction Canada with some balance.

Honourable senators, I will end with a quote from the editorial on this topic published by the *Canadian Medical Association Journal*:

The unmistakable signal sent is that the current government values control more than transparency in decision-making; favours ideology over scientific and clinical expertise; and believes that patient representation is altogether dispensable.

It is ironic that this government refers to accountability and then sends this signal to our medical community and to the women who only wish to have a family.

• (1420)

ORDEAL OF MS. NAZANIN FATEHI

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to acknowledge the accomplishments of a group of people whose devotion to justice and human rights saved a young, innocent woman from a terrible fate.

The remarkable story of Nazanin Fatehi's brush with death began in a park in Karaj, Iran, in 2005 when she was just 17 years old. During a brutal attack by three men who attempted to rape her and her 15-year-old niece, Nazanin fatally stabbed one of the assailants. What ensued was a long ordeal during which an Iranian court found Nazanin guilty of murder and left her to languish for several months on death row for this act of self-defence.

This injustice was brought to my attention in the spring of 2006 by the Honourable Belinda Stronach, Member of Parliament for Newmarket-Aurora, and Ms. Nazanin Afshin-Jam, an Iranian-born singer, model, artist, actress, human rights activist and former Miss World Canada in 2003. These women, along with Ms. Mina Ahadi, head of the International Committee Against Execution, played a major role in creating awareness of this situation and in appealing to decision-makers around the world in order to save Nazanin's life.

In addition to conducting numerous media interviews, Ms. Afshin-Jam launched the website, www.helpnazanin.com, to bring attention to the plight of her namesake. Ms. Stronach, who also felt compelled to act, assisted me with the establishment of a trust fund. She also enlisted the assistance of former Foreign Affairs Minister, Lloyd Axworthy, Governor General Michaëlle Jean, Ambassador Allan Rock and High Commissioner for Human Rights, Louise Arbour, all of whom alerted their associates to the harrowing situation.

Following an outcry from members of the international community, including Amnesty International, a retrial was granted in January of this year, and five judges ruled that Nazanin's actions were carried out in self-defence. However, under Islamic Shariah law, three of the judges ordered the payment of diyya, or blood money, in the order of U.S. \$43,000 to the family of her deceased attacker. This sum was raised through generous donations, including a major donation by Ms. Stronach, and I am happy to say that Nazanin was released from prison and reunited with her family. However, in order to cover legal and other costs, we continue to appeal for additional donations.

Honourable senators, many individuals and groups played an integral role in securing Nazanin Fatehi's freedom and, in particular, I would like to congratulate Ms. Afshin-Jam and Ms. Stronach, who are present in the Senate gallery today, for their compassion, leadership and conviction. It is my sincere hope that Ms. Fatehi's human rights victory will pave the way for other women throughout the world who face injustice.

Honourable senators, Ms. Afshin-Jam has dedicated the title track from her forthcoming album *Some Day*, to Ms. Fatehi. The album is to be released on April 24. The chorus chimes:

Someday, you will find a way,
Someday, the darkness fades away.

Honourable senators, this is a beautiful memory of a remarkable story. Fitting words from one Nazanin to another, and they have never even met!

VISITORS IN THE GALLERY

The Hon. the Speaker: I draw the attention of honourable senators to the presence in the gallery of Ms. Nazanin Afshin-Jam, human rights activist, actor and artist. She is the guest of Senator Zimmer and is accompanied by the Honourable Belinda Stronach, Member of Parliament for Newmarket-Aurora. On behalf of all senators, welcome to the Senate of Canada.

I also draw the attention of honourable senators to the presence in the gallery of His Excellency, Vladislav Tretiak, Member of the Russian State Duma, Chair of the Russia-Canada Parliamentary Group and, as Senator Mahovlich will confirm, another hockey legend. On behalf of all honourable senators, welcome to the Senate of Canada.

• (1425)

[Translation]

ROUTINE PROCEEDINGS

ACTION PLAN FOR DRINKING WATER IN FIRST NATIONS COMMUNITIES

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Action Plan for Drinking Water in First Nations Communities, progress report of March 22, 2007.

SPEAKERS' DELEGATION TO BENIN, BURKINA FASO AND MALI

SEMINAR ON PARLIAMENTARY DEMOCRACY:
THE CANADIAN EXPERIENCE—
JANUARY 8-16, 2007—REPORT Tabled

Hon. Rose-Marie Losier-Cool: Honourable senators, in accordance with rule 28(4), and with leave of the Senate, I have the honour to table, in both official languages, a document entitled *Parliamentary Democracy: The Canadian Experience*, concerning the seminar held in Benin, Burkina Faso and Mali from January 8 to 16, 2007.

[English]

STUDY ON NATIONAL SECURITY POLICY

INTERIM REPORT OF NATIONAL SECURITY
AND DEFENCE COMMITTEE Tabled

Hon. Norman K. Atkins: Honourable senators, I have the honour to table, in both official languages, the eleventh report of the Standing Senate Committee on National Security and Defence, an interim report entitled, *Canadian Security Guide Book 2007: An Update of Security Problems in Search of Solutions—Coasts*.

On motion of Senator Atkins, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

CANADA-CHINA LEGISLATIVE ASSOCIATION

ANNUAL MEETING OF ASIA PACIFIC
PARLIAMENTARY FORUM, JANUARY 21 TO 26, 2007—
REPORT Tabled

Hon. Joseph A. Day: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-China Legislative Association respecting its participation in the Fifteenth Annual Meeting of the Asia

Pacific Parliamentary Forum held in Moscow, Russian Federation, from January 21 to 26, 2007. We were well hosted.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF EVACUATION OF CANADIAN CITIZENS
FROM LEBANON

Hon. Peter A. Stollery: Honourable senators, I give notice that at the next sitting I shall move:

That, notwithstanding the Order of the Senate adopted on Tuesday, October 24, 2006, the Standing Senate Committee on Foreign Affairs and International Trade, which was authorized to examine and report on the evacuation of Canadian citizens from Lebanon in July 2006, be empowered to extend the date of presenting its final report from March 30, 2007 to June 29, 2007; and

That the Committee retain until September 30, 2007 all powers necessary to publicize its findings.

ANTI-TERRORISM ACT

NOTICE OF MOTION TO AUTHORIZE SPECIAL
COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. David P. Smith: Honourable senators, I give notice that at the next sitting I shall move:

That, notwithstanding the Orders of the Senate adopted on Tuesday, May 2, 2006, on Wednesday, September 27, 2006 and on Thursday, December 14, 2006, the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report be extended from March 31, 2007 to February 23, 2008.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF ISSUES RELATED TO NATIONAL AND
INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that, at the next sitting I will move:

That notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights which was authorized to examine Monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations, be empowered to extend the date of presenting its final report from March 31, 2007 to March 31, 2008 and that the Committee retain until June 30, 2008 all powers necessary to publicize its findings.

• (1430)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF INTERNATIONAL OBLIGATIONS REGARDING
CHILDREN'S RIGHTS AND FREEDOMS

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Wednesday, November 29, 2006, the Standing Senate Committee on Human Rights, which was authorized to examine and report upon Canada's international obligations in regards to the rights and freedoms of children, be empowered to extend the date of presenting its final report from March 31, 2007 to April 30, 2007 and that the Committee retain until July 30, 2007 all powers necessary to publicize its findings.

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit on Friday, March 30, 2007, even though the Senate may then be adjourned for a period exceeding one week.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY GENDER EQUITY IN PARLIAMENT

Hon. Marie-P. Poulin: Honourable senators, I give notice that, on Wednesday, April 18, 2007, I will move:

That the Standing Senate Committee on Human Rights, in the spirit of reflection and commemoration of International Women's Day and the 25th anniversary of the patriation of the Constitution and its *Canadian Charter of Rights and Freedoms*, be authorized:

- (a) to examine and report on all issues related to female representation in Parliament, including the barriers to the participation of women in federal politics;
- (b) to propose positive measures for electoral and other reforms that will
 - (i) promote gender equity in Parliament, and
 - (ii) achieve an increase in the number of women in Parliament; and
- (c) to consider the status of female representation in other legislative assemblies for comparative purposes in formulating proposed measures; and

That the Committee present its report no later than June 29, 2007.

THE SENATE

GENDER EQUALITY—NOTICE OF INQUIRY

Hon. Terry M. Mercer: Honourable senators, I give notice that in two days:

I shall call the attention of the Senate to gender equality in the process of governance, specifically how we, as Senators in the Senate of Canada, can be a model for gender equality by requiring that the number of Senators in this place be composed of 50 per cent women and 50 per cent men.

Senator Cools: And 50 per cent bright.

[Translation]

VICTIMS OF CRIME

NOTICE OF INQUIRY

Hon. Consiglio Di Nino: Honourable senators, I give notice that two days hence:

I will call the attention of the Senate to problems and challenges faced by victims of crime.

BUDGET 2007

NOTICE OF INQUIRY

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, two days hence, on behalf of the government:

I will call the attention of the Senate to the budget, entitled *Aspire to a Stronger, Safer, Better Canada*, tabled in the House of Commons on March 19, 2007, by the Minister of Finance, the Honourable James M. Flaherty, P.C., M.P., and in the Senate on March 20, 2007.

• (1435)

[English]

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

QUEBEC ELECTION

Hon. Marcel Prud'homme: Honourable senators, my question is directed to the Minister of Public Works and Government Services. We all saw his enthusiasm in endorsing Mr. Charest on Sunday during the St. Patrick's Day parade and in wishing him good luck on election night.

All senators know that for many months I have supported the ADQ, and I voted for them yesterday. In view of a good future relationship between the Senate and this new government in

Quebec, does the honourable minister intend to make a phone call today to warmly congratulate the new leader of the official opposition in Quebec? Can I count on the Minister of Public Works to help us smooth our relationship with the new government in Quebec in view of the fact that hundreds of thousands of those who voted for the ADQ yesterday are considering their options for the next federal election?

As an aside, there will be a meet and greet with Mr. Vladislav Tretiak, Chair of the Russia-Canada Parliamentary Group, at 3:20 in the Speaker's chambers.

[Translation]

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, earlier today the Prime Minister issued a press release to announce that he had spoken to the Premier of Quebec, Mr. Charest, and to the Leader of the Opposition, Mr. Dumont, whom he congratulated on the results of yesterday's election.

Naturally, I would like to say the same. I can also say that our government will have a good relationship with the Government of Quebec and that we will work constructively with them for the good of all Quebec taxpayers.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

INDIAN RESIDENTIAL SCHOOLS AGREEMENT— APOLOGY TO VICTIMS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, can the Leader of the Government in the Senate explain why it was fair to apologize to Canadians of Chinese origin, to Canadians of Japanese origin, to Iranians holding Canadian citizenship, and to Canadians of Ukrainian origin, but it would be inappropriate at this time — given the deplorable situation they find themselves in — to apologize to Canada's Aboriginal peoples for what was done to them in residential schools where their rights were violated?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, on March 21, the Indian Residential Schools Agreement received final court approval. Preparations are underway for the implementation of the settlement, expected later this year.

As the honourable senator knows, when Minister Prentice spoke of the agreement, which extends back to the time of the previous government, he said that an apology was not part of the settlement, and he made that position very clear again yesterday.

[Translation]

Senator Hervieux-Payette: Honourable senators, the Leader of the Government should remind her government that when the Minister of Indian Affairs refused to apologize to residential school survivors, that was only the latest in a string of broken promises to Aboriginal peoples. His position contradicted a written commitment made to the Assembly of First Nations. In that document, the deputy minister at the time wrote, and I quote:

[Senator Prud'homme]

There is a need to apologize in a way that acknowledges, comprehensively, the residential schools legacy...

Which has certainly cast a shadow on Canada's reputation.

... and its effect on First Nations communities.

Can the Leader of the Government explain why this government is refusing to apologize even though it has apologized to other Canadian citizens who have experienced injustice in Canada? An apology is not necessarily part of the monetary settlement, but we know that money is one thing and that human relations are another.

• (1440)

[English]

Senator LeBreton: As I said in my first answer, the agreement, which was negotiated over a long and protracted period over the course of two years, it was well understood by the parties at the table that the settlement agreement did not contain an apology.

I believe, honourable senators, it is most important that the government and all parties to the agreement take every step necessary to ensure that the agreement is implemented as soon as possible and that the former students who are entitled to settlement get that settlement. It is in no one's interest to go back and reopen the negotiations. I repeat: As negotiations proceeded over the last two years, all parties agreed to the conditions of the agreement — an apology was not part of the settlement.

Senator Hervieux-Payette: I am quite sure the Leader of the Government has not understood my question. There is a difference between financial compensation and asking a person for their pardon because we have committed a grave sin against this group of Canadians, the first Canadians. I beg the Leader of the Government in the Senate to ask the government to proceed with an apology so that we can open a new page and continue to build Canada along with the first citizens of this country.

Senator LeBreton: Honourable senators, the government and the Minister of Indian Affairs and Northern Development, Mr. Prentice, have worked hard on this agreement. It was well received by all concerned. The government is now proceeding to deal with serious issues in the Aboriginal community. I will only go so far as to say that I will make the minister aware of the honourable senator's views on this particular matter.

ABORIGINAL BUSINESS AND ECONOMIC DEVELOPMENT

Hon. Nick G. Sibbeston: Honourable senators, the Standing Senate Committee on Aboriginal Peoples released its report on Aboriginal business and economic development last week. The report is now before the Senate.

The report focuses on the phenomenon of Aboriginal people getting into business and using economic development tools to participate in the Canadian economy in an effort to provide jobs for its people and create wealth. It should be obvious to any government that business such as this is important. This is one clear way that Aboriginal people can rise up and thus narrow the gap between those well off and the poorer people in our society.

While there has been a measure of success, there are many other areas in our country where Aboriginal people are having a hard time getting on their economic feet and need the support of government to be successful. Unfortunately, I feel the budget earmarked very little for the serious economic development that we envisage in our report.

My question to the Leader of the Government in the Senate is this: Would the minister not be partisan and adversarial on this issue? Can she describe how she could be an advocate for the Senate and for the Aboriginal people in her dealings and meetings in cabinet with her colleagues, Mr. Prentice and the Prime Minister? Could she be a help to the Aboriginal people of our country and do something to provide more money for economic development, which is so important?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, there is no question that the government works very hard to address serious issues with regard to the Aboriginal community. It is not, as my honourable friend quite rightly states, a partisan issue nor should it ever be.

• (1445)

Last year's budget announced \$450 million over two years to support priority areas of education, water and housing. Budget 2007 confirms that the \$300 million in 2007-08 will continue thereafter as ongoing funding, beyond the funding announcements in Budget 2006. This will mean that close to \$1 billion in additional funding is available to the Aboriginal communities between now and 2010.

With regard to the specific issue of assisting Aboriginals to develop careers and open businesses, those suggestions from Senator Sibbeston are worthy and I will endeavour to obtain specific information from the department as to what dollars are earmarked specifically for those areas and how to access those funds.

FISHERIES AND OCEANS

COAST GUARD—ACQUISITION OF ICEBREAKERS

Hon. Willie Adams: Honourable senators, my question is to the Leader of the Government in the Senate. I wish to address the election promises that the Prime Minister made.

We have 26 communities in Nunavut, all of them along the coast except for one community, Baker Lake, which is inland. We can still get to Baker Lake from the river.

Last summer, the Prime Minister visited Nunavut and talked to some of the leaders in the community as well as the Government of Nunavut about the economy and the future of the North.

Before the budget, there was a promise to build the three icebreakers for the Arctic in the future, but nothing has happened even though the government has been in power for over a year. In every community along the coastline, when the summer ships come in it is sometimes difficult to unload the cargo for the community.

There has been privatization of ports in the South. Money to support the Canadian Coast Guard in Nunavut is needed. Sometimes the Coast Guard does not have enough funds. They build some little harbours to help us, but the budget from the Government of Canada is only for summer maintenance.

The Prime Minister promised when he went from Vancouver up to the Arctic that he would address the future of the Canadian Coast Guard.

Senator Comeau has spoken about the Coast Guard from Resolute up to Coppermine — I call it Kugluktuk. One summer we travelled on a Coast Guard ship. We had a good trip. In the Arctic, sometimes they have to change the crews. They sometimes have to fuel up in Alaska or other places. We do not have the facilities for that in the territory.

We need to develop more commerce in the communities in the future. Instead of doing all the unloading of fish in Greenland, we want to negotiate with people down east. With smaller ships, they can unload in the community. The supplies come down from Newfoundland. Now, they do not have the facilities to do that. I hope this government will be able to promise to do something in the near future for our community development.

• (1450)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I wish to thank the honourable senator for those good and valid questions. In the budget, we have committed to six Coast Guard vessels. The honourable senator knows that —

Senator Rompkey: Not icebreakers.

Senator LeBreton: You like that, do you, Senator Rompkey?

Senator Rompkey: No, they are not icebreakers.

Senator LeBreton: The Prime Minister visited the North, as was stated. Probably the highlight of his first year as Prime Minister was going up to Alert and observing Operation Lancaster in Iqaluit. He also met with officials in Iqaluit.

I assure the honourable senator that the Department of National Defence, the Canadian Forces and the government are currently examining options to improve surveillance and response capabilities as well as our overall presence in the North. I will impress upon my colleagues the senator's views on this situation. I hope that, in the not too distant future, they will have something to announce.

[Translation]

BUDGET 2007

FUNDING OF HEALTH CARE FOR ABORIGINAL CHILDREN

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate. Recently I chaired a committee that was examining the issue of the sexual and commercial exploitation of Aboriginal children. A rather detailed study showed that far more Aboriginal children than non-Aboriginal children were removed from their families and handed over to a child services system.

In 2006, the Assembly of First Nations revealed that 27,000 Aboriginal children were removed from their families, not because they were beaten or abused, but essentially because of the extreme poverty in which they lived and the lack of shelter.

As far as Budget 2007 is concerned, it seems that the Aboriginal child care system will receive \$109 million less than the child care system for non-Aboriginal children, despite the fact that the proportion of Aboriginal children in need is much greater.

My question is as follows: why not allocate as much funding, if not more, to the Aboriginal child care system?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for his question. The honourable senator is asking specific questions about an obviously serious situation. I will determine for the honourable senator what the Department of Indian Affairs and the minister have been doing about this particular issue, and what kind of dollars have been allocated to address this obviously serious situation.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

CULTURE AND GENERAL APPROACH OF DEPARTMENT

Hon. Roméo Antunius Dallaire: Honourable senators, human beings are not like trucks. If you have a truck but no more fuel, you can park your truck in a snow bank and wait until you get some money for fuel.

On February 21, I requested some information regarding bridge funding for the Aboriginal Healing Foundation, which was about to close down its 140 projects in response to a glitch in funding. I am most appreciative of the fact that we did get an answer, and that \$25 million out of the \$40 million required is being advanced to meet that need. However, that funding will not arrive until May, so we still have a few more months of people being fired and people not receiving the services they need, and having to recreate the whole thing.

• (1455)

My question is this: Can Minister Prentice, who seems to be a reasonable chap, shift his department's approach to our Aboriginal people from a culture of neo-colonialism to the mainstream of human-rights-based responsibility for that significant portion of our population that is nearly one million in strength?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Thank you. I do not accept Senator Dallaire's description of the department. I believe that Minister Prentice is trying to change the culture and also address the issues at the level of the communities that are involved.

I am glad the honourable senator acknowledges that we responded to his last question. I realize that, as the honourable senator states, there might be a lag of a month or two. I will take that question as notice and I am sure the department will provide us with an answer as to why they particularly listed May as the start date, and whether there is any opportunity to move up the date.

[Senator Dallaire]

I do not want to minimize the seriousness of the problem in any way. It is a serious problem and more serious in some regions of the country than in others. I will attempt to obtain further information for the honourable senator.

IMPLEMENTATION OF KELOWNA ACCORD

Hon. Larry W. Campbell: My question is to the Leader of the Government in the Senate. Can she explain to honourable senators how her government can justify their inaction on Aboriginal issues?

Do I need to remind the leader that there is a perfectly good plan, drafted by 10 premiers, which received the endorsement of all major Aboriginal groups in Canada? The full implementation of the Kelowna accord would be a major step forward for Aboriginal people. By not implementing the accord, the Conservative government has sent the message to premiers and everyone else involved with drafting the accord, that they were wrong and their input is meaningless.

The government's refusal to apologize for the atrocities committed in the residential school system, their unwillingness to listen to native leaders and their ineffective response to Aboriginal land claims is tantamount to condoning systemic racism. When will this minority government realize its repeated shortcomings and implement, as well as provide funding for, the Kelowna accord?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank Senator Campbell for that question. I absolutely reject the statements that he attributed to our government. I think any serious individual watching the efforts and the work being done by Minister Prentice would vehemently disagree with the preamble to his question. As I have stated in this place in the past, we all understand that the Kelowna accord was a statement of good intentions without a fiscal framework attached. I have made it clear that the minister and the government support the principles of the Kelowna accord.

The work that Minister Prentice is doing and the money that was allocated in Budget 2006 and Budget 2007 will go a long way to addressing many of the serious issues that are faced in the various Aboriginal communities. I want to reiterate that this government is concerned and I do not, for one moment, accept your statement that we do not care about our First Peoples. It is offensive, frankly, to use the word "racism" when dealing with issues like this.

As Senator Sibbeston said, this issue is of concern to all Canadians, whether they be Liberals or Conservatives, and partisan statements like that one should not enter into the debate.

• (1500)

Senator Campbell: Quite frankly, I find the honourable senator's answers to be offensive. Which part of this statement would she like to call offensive — the refusal to apologize for residential schools?

Senator Stratton: Did your government?

Senator Campbell: If that was not part of it, why are all the leaders asking for it?

Would it be the part about the unwillingness to listen to native leaders? Is it the ineffective response to the Aboriginal claims? There is nothing partisan at all about what I am saying. This is simply what the First Nations and the Aboriginal peoples of Canada are asking for.

I would ask the honourable senator to take this matter to Minister Prentice and find out who is truly being untruthful here. Is it the minister, or is it the native leaders who say that they were promised an apology for what took place within the residential schools?

Senator LeBreton: I will be happy to take the honourable senator's comments to Minister Prentice.

Again, I will respond in terms of the residential schools issue. Negotiations began under the previous government and were brought to finality by the present government. Throughout the negotiations, which were overseen by a pre-eminent judge and attended by the Aboriginal community and government representatives, the issue of an apology was not part of the final residential schools settlement.

Why the various people at the table, when they were negotiating this settlement, did not raise the issue is something that only they can answer. The fact is that now we have the good news that we can proceed with completing these settlements. The issue of an apology was not part of the agreement.

I will be happy to make the honourable senator's strong views known to the minister.

Hon. Tommy Banks: Honourable senators, I have a supplementary question for the Leader of the Government. In her earlier response to Senator Campbell, she said again that there was no fiscal framework for the Kelowna accord.

Everyone on this side knows that the Kelowna accord was a very real thing. However, since the honourable senator raised the subject of no fiscal framework, I would ask that she refer to a document in the Department of Finance called the sources and uses table. It lists coming government expenditures, which can only be removed from the list by agreement of the Minister of Finance.

If the honourable senator will look at the document of November 24, 2005, she will note at page 4 that there are three items: \$800 million in respect of the softwood lumber matter, which was spent; \$755 million for agricultural relief, having to do with BSE, which was spent; and, next on the list, \$5.1 billion, having to do with the costs associated with the Kelowna accord.

I would ask that the Leader of the Government read that document, and perhaps she would be good enough to table it in this house so we can all see it.

Senator LeBreton: Honourable senators, I believe that issue was raised by Senator Fraser in the fall session and we provided a response.

I think the situation is very clear. When one looks at the date of the Kelowna agreement, it was literally a few days before the government fell, which precipitated the election. This is well documented and understood. Certainly, in the documents or reports that I have reviewed on this particular issue, no clearly defined fiscal framework was provided to the government as to how the Kelowna accord could be implemented.

I will provide the honourable senator's question to the appropriate officials and ask them to give us an explanation as to what weight this particular document the honourable senator refers to may have.

Senator Banks: When the honourable senator is asking that question, would she raise the fact that, in the National Finance Committee, when the question was asked about how much money had been saved from that aspect of the budget, the answer was "about \$5 billion."

Senator Mercer: It is sleight of hand, a shell game.

SETTLEMENT OF LAND CLAIMS

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government as well. I would like to reinforce what Senator Sibbeston said. We are making this a partisan issue. Let us not do that. This issue rises above partisanship. It is about people like Senator Sibbeston, who was sent to a residential school at the age of five. We do not need any ridiculousness or the hypocrisy of 10 years of Liberal inaction. What we need is action.

Senator Mercer: We are not making this a partisan matter, are we? Do not make it partisan — it is above partisanship!

Senator St. Germain: Further to Senator Sibbeston's leadership, the Aboriginal People's Committee has just conducted two studies. The work of committee members has been exemplary; Senator Sibbeston and I will speak to that later today in this house. However, to be fair — and all I seek is fairness — we have a situation where we have reported on specific claims, which is an important lead item. We can ask this question of National Chief Phil Fontaine. Claims are the main issue that has to be settled if our Aboriginal peoples are to be given an opportunity to meet their potential. In the budget was a reference not made to there being a follow-up on specific claims?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator is quite right, and we are looking forward to his report.

The answer is yes. As I have pointed out, it is interesting that the settlement of specific land claims has always had greater success under Conservative governments historically in this country than under Liberal governments.

I wish to remind honourable senators that in September 2004, Paul Martin promised \$700 million for Aboriginal health care. However, by the time Mr. Martin went to Kelowna in November 2005, one year later, not a single dollar of that money had begun to flow from the federal government. Even as Mr. Martin was making more promises, he had not even delivered on the \$700 million that he had promised the year before.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

INDUSTRY—CANADA RESEARCH CHAIRS PROGRAM

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 24 on the Order Paper—by Senator Downe.

[English]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I am pleased to introduce two House of Commons pages who are participating in the page exchange this week.

[Translation]

Alain Dupuis from Val Thérèse, Ontario, is studying political science and communications in the faculty of social sciences at the University of Ottawa.

[English]

Sarah Forsyth, of Ottawa, Ontario, is enrolled in the faculty of social sciences at the University of Ottawa, where she is majoring in psychology.

• (1510)

APPROPRIATION BILL NO. 4, 2006-07

SECOND READING

Hon. Nancy Ruth moved second reading of Bill C-49, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

She said: Honourable senators, Bill C-49, Appropriation Bill No. 4, 2006-07, provides for the release of supply for Supplementary Estimates (B) 2006-07. These supplementary estimates were tabled in the Senate on February 22 this year and were referred to the Standing Senate Committee on National Finance. They are the second and final set of supplementary estimates for the fiscal year that will come to an end this week, on March 31.

Supplementary Estimates (B) 2006-07 seek Parliament's approval to spend a total of \$424.5 million on expenditures that were not sufficiently developed or known at the time of tabling the 2006-07 estimates, the Main Estimates, or at the time of tabling the Supplementary Estimates (A) last fall. They also provide information on reductions to projected statutory spending totalling \$314 million, for a net supplementary estimates requirement of \$110 million.

Given the time-sensitive nature of the supply, it has been our long-standing practice to examine estimates prior to receiving the supply bill from the other place. Therefore, these supplementary

estimates were discussed in some detail with the Honourable Vic Toews, President of the Treasury Board, and the Treasury Board Secretariat officials in their appearance before the Standing Senate Committee on National Finance on February 27 this year. The meeting provided an opportunity to discuss not only the supplementary estimates but also issues of interest to the committee members. An account of that meeting is provided in the committee's eleventh report, which Senator Day tabled on March 21.

Supplementary Estimates (B) 2006-07 provides for major budgetary items such as \$102 million for compensation adjustments, which are transfers to departments and agencies for salaries and other related adjustments; \$40 million to agricultural and agri-food in support of the Cover Crop Protection Program in response to the flood damage in 2005-06; \$34 million to agricultural and agri-food for new opportunities for agricultural initiatives to foster investments that support the transition of farmers in agricultural products into new areas of opportunity; \$33 million to the Department of Justice for funding to provincial and territorial governments for the delivery of youth justice services and programs; \$31 million to the Canada Revenue Agency for the implementation of the GST rate reduction and the costs of administrative measures related to personal tax credits; \$23 million to strengthen Canada's position in international commerce by further developing the Asia-Pacific Gateway and Corridor; \$23 million for the operating budget carry-forward; \$20 million to prepare for, implement and administer the 2006 Canada-United States Softwood Lumber Agreement; \$19 million for additional RCMP positions and federal prosecutors to focus on law enforcement priorities; and \$16 million for public security initiatives.

The supplementary estimates also outline a decrease of \$211 million in budgetary statutory spending that was previously authorized by Parliament. Adjustments to projected statutory spending do not require approval through a supply bill and are provided for information purposes only.

The larger statutory items in the supplementary estimates include: \$420 million for contributions in support of business risk management programs under the agriculture policy framework, the Canadian Agricultural Income Stabilization Program; \$172 million for payments to the Newfoundland Offshore Petroleum Resource Revenue Fund; \$110 million for the Newfoundland fiscal equalization offset payment; and \$40 million to prepare for the fortieth general election, to conclude the work of the 2006 general election and to pay a quarterly allowance to political parties.

A decrease of \$748 million in the forecast for the Consolidated Specified Purpose Accounts, which reflects decreases in the expected payout of EI benefits due to improved labour market conditions, and the transfer to the Province of Quebec of responsibility for delivering maternity and parental benefits; a decrease of \$184 million in public debt charges to reflect lower than expected short-term interest rates; and a decrease of \$65 million in the forecast of the Canada Education Saving Grant payments.

Bill C-49, Appropriation Act No. 4, 2006-07, now seeks Parliament's approval to spend \$424.5 million in voted expenditures. The Supplementary Estimates (B) 2006-07 are

fully consistent with the overall planned spending level of \$222 billion for the fiscal year that is now ending as set out in the May 2006 budget and the November 2006 economic and fiscal update.

Honourable senators, should you require additional information, I would be pleased to try to provide it.

Hon. Lowell Murray: As I listen to the honourable senator, who is the sponsor of this bill, which seeks, as she says, appropriations of over \$400 million for the fiscal year ending March 31, 2007, it occurs to me that today is Tuesday, March 27. There are only three working days left in the fiscal year.

Does the honourable senator not think it will be quite a challenge for the government to dispose of \$400 million and change in that short time?

Senator Nancy Ruth: With respect to the honourable senator, I do not.

Hon. Joseph A. Day: Honourable senators, in discussion of the eleventh report of our Standing Senate Committee on National Finance yesterday, which report was adopted last evening, I undertook to review the schedules attached to Bill C-49 and ensure that they compared with schedules 1 and 2 that appear in the Supplementary Estimates (B). I have done so, and they are reflective of one another. I think we are in order from that point of view.

The only other point I would make that I think is important for honourable senators to be aware of is that in schedule 2 to Bill C-49, of the \$424 million that honourable senators are being asked to approve as a supplementary estimate, \$55 million of that in schedule 2 may not be spent in this fiscal year. That is something we have seen happening in the last little while, where normally Main Estimates and supply bills deal only with one fiscal year. However, in this particular schedule 2, when honourable senators vote for this bill, they are agreeing that \$55 million of the \$424 million that honourable senators are approving could be spent this year or in the next fiscal year.

Apart from that, honourable senators, I am prepared to recommend that we support this particular bill.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Anne C. Cools: I wonder if I might pose a question to the honourable senator. Perhaps he could explain a little more fully as to how procedurally, or instrumentally, this carry-over expenditure is being accomplished. It is something that some of us might take strong objection to.

• (1520)

Senator Day: Honourable senators, I will not speak to the mechanics of the bill because it is an approval by Parliament to authorize the executive to spend \$424 million that had not been approved previously. The honourable senator can see that the supply bill approving this has two schedules. The amount of

\$369 million in the larger schedule will be spent between now and the end of this fiscal year, March 31, 2007. Obviously, some of this money has been committed already. It is important for honourable senators to know that Schedule 2 states:

Sums granted to Her Majesty by this Act for the financial year ending March 31, 2007 may be charged to that fiscal year and the following fiscal year ending March 31 and the purposes for which they are granted.

If Parliament is prepared to grant government the authority to spend the money in this fiscal year and next fiscal year, because the program runs over two fiscal years, then Parliament is giving the authority to the government to do so.

Senator Cools: The honourable senator is the Chairman of the Standing Senate Committee on National Finance before which Minister Toews, President of Treasury Board, appeared to testify. Were questions on this point addressed to the minister? If so, what was his response?

Senator Day: I have imperfect recollection and I regret that I am not certain whether the question was asked. However, it will be asked in the future.

Senator Cools: It is interesting that senators are voting today conditionally on the grounds that answers will be provided in the future. This is a new way of operating and is laughable, in a way. Perhaps, the Chair and Deputy Chair of the Finance Committee could bring this question back to the house at the next go-round, accompanied by the minister's responses.

Senator Day: As the honourable senator knows, full funding will be sought within three months, so we will have a great opportunity at that time to pose that question. I look forward to reporting back to the honourable senator.

Senator Cools: I thank the honourable senator for his undertakings to look into the matter with some thoroughness. I apologize but, as he knows, I was yanked unexpectedly off his committee.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read second time, on division.

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the third time?

Senator Nancy Ruth: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(b) of the *Rules of the Senate*, I move that Bill C-49 be read the third time now.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Some Hon. Senators: No.

On motion of Senator Nancy Ruth, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

APPROPRIATION BILL NO. 1, 2007-08

SECOND READING

Hon. Nancy Ruth moved second reading of Bill C-50, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008.

She said: Honourable senators, one or two weeks ago, I took the adjournment on the thirteenth report of the National Finance Committee on the 2007-08 estimates. I rise in response to that report and to speak to Bill C-50.

Bill C-50, Appropriation Act No. 1, 2007-08, provides for the release of the interim supply for the 2007-08 Main Estimates tabled in the Senate on February 27, 2007. The spending authority granted by this bill is intended to provide the government with sufficient spending authority to carry it until the end of June, allowing it to cover spending that is not authorized through existing statutes.

The estimates were discussed in some detail with the President of Treasury Board and Treasury Board Secretariat officials during their appearance before the Standing Senate Committee on National Finance on March 20, 2007. I thank the Honourable Minister Vic Toews for appearing before the Finance Committee for the second time in less than one month. Along with my chairman, I too would like to extend my thanks to Ms. Laura Danagher of Treasury Board for her helpful service to the committee over the past few years. This was her last appearance prior to moving on to another position as Chief Financial Officer of the Canadian Security and Intelligence Service. I join other members of the committee in wishing her well.

A full account of our meeting with the minister and his officials is set out in the thirteenth report of the National Finance Committee, its first interim report on the 2007-08 Main Estimates, tabled by Senator Day on Thursday, March 22, 2007.

Library of Parliament staff are to be thanked and congratulated on their ability to produce a detailed draft report on the meeting and the issues raised by the honourable senators who participated in such a short period of time.

Honourable senators, the government submits estimates to Parliament in support of its request for the authority to spend public funds. The Main Estimates include information on both budgetary and non-budgetary spending authorities. Parliament subsequently considers appropriation bills to authorize the spending. The Main Estimates 2007-08 total \$211.7 billion, of which \$210.3 billion is for budgetary expenditures and \$1.4 billion for non-budgetary expenditures.

Budgetary expenditures include the cost of servicing the public debt; operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and

payments to Crown corporations. The Main Estimates support the government's request for Parliament's authority to spend \$74.9 billion under program authorities that require Parliament's annual approval of their spending limits. The remaining \$135.4 billion is for statutory items previously approved by Parliament, and the detailed forecasts are provided for information purposes only.

The \$1.4 billion in non-budgetary expenditures, such as loans, investments and advances, consists of \$94.3 million in voted spending authorities and \$1.3 billion in statutory spending that was previously approved by Parliament. These non-budgetary expenditures are outlays that represent changes in the composition of the financial assets of the Government of Canada.

Part I of the Main Estimates 2007-08 includes a detailed comparison to last year's Main Estimates. Together, the budgetary and non-budgetary voted spending authorities total \$75 billion, of which \$21.8 billion is sought through Appropriation Act No. 1, 2007-08. The balance will be sought through Appropriation Act No. 2, 2007-08 in June of this year.

• (1530)

Honourable senators, should you require additional information, I would be pleased to try to provide it.

Hon. Joseph A. Day: Would the honourable senator take a question from me?

The Hon. the Speaker pro tempore: Senator Nancy Ruth, will you take a question?

Senator Nancy Ruth: Yes.

Senator Day: In reviewing the Main Estimates, as we did in committee, we were not advised as to the period of time over which interim supply was being sought. I do not see it in the Main Estimates for what period. Typically, the Main Estimates request for interim supply is for a period of three months, leading us to June.

I am wondering whether the honourable senator has had a briefing from the government on this issue which we have not had the opportunity to have. If the honourable senator will look at the schedules attached to the supply bill, Bill C-50, perhaps she could help us out with this point. At schedule 1.1, the government is seeking eleven-twelfths of interim supply. At schedule 1.2, the government is seeking eight-twelfths of interim supply. The typical interim supply, being for three months, is shown in schedule 2 for those items in schedule 2. That wording did not appear in the Main Estimates.

Can the honourable senator help us?

Senator Nancy Ruth: I cannot help the honourable senator right now, but I will later.

Senator Day: If the honourable senator could undertake to obtain that information for us, perhaps we could have it conveyed to the honourable senators before third reading.

Senator Nancy Ruth: I would be glad to do that.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

On motion of Senator Nancy Ruth, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

THE ESTIMATES, 2007-08

FIRST INTERIM REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption of the thirteenth report (first interim) of the Standing Senate Committee on National Finance, (2007-08 Estimates), presented in the Senate on March 22, 2007.

Hon. Lowell Murray: Honourable senators, I proposed the adjournment of this debate yesterday afternoon with the intention of keeping the motion on the Order Paper and the debate open for some time so that it might provide the occasion for a more wide-ranging discussion of budget policy.

I note today that the deputy leader of the government has placed a notice of inquiry on behalf of the government for a discussion of Mr. Flaherty's budget. Therefore, it is no longer necessary, certainly not from my point of view, to delay the adoption of this thirteenth report. As far as I am concerned, I would not stand in the way if the motion were to be put now.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion??

Motion agreed to and report adopted.

THE ESTIMATES, 2006-07

FINAL REPORT OF NATIONAL FINANCE COMMITTEE ON MAIN ESTIMATES ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Banks, for the adoption of the twelfth report of the Standing Senate Committee on National Finance, (2006-07 Estimates), presented in the Senate on March 21, 2007.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Dallaire, for the third reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Cochrane*)

Hon. Pat Carney: Honourable senators, I am speaking on Bill S-205 to amend the Food and Drugs Act, or the clean drinking water act, introduced by Senator Grafstein regularly over the last five years. Senator Grafstein also has a companion bill, Bill S-208, which deals with the issue of water and would require the Minister of the Environment to establish, in cooperation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute the focus of sources of drinking water in the future.

Senator Grafstein has ably outlined the objectives and history of this bill, which he first introduced in another form in the year 2001, similar to my bill and Senator Forrestall's bill to preserve heritage lighthouses. It has seen many forms of renewal in this chamber and I hope it will be concluded.

I am grateful to Senator Grafstein's initiatives on this matter because his bill gives me an opportunity to emphasize my concerns regarding freshwater, particularly, the legislation enacted by the former Liberal government which, in the view of many experts, would permit bulk water shipments of fresh water to be exported to the United States and others.

Senator Grafstein's bill is a remedial measure to amend the Food and Drugs Act by adding clean drinking water as an objective so that the federal agency already mandated to regulate drinking water in bottles, ice cubes and soft drinks would regulate community drinking systems as well.

In his excellent speech on the subject, where he deals with the issue of whether this is a federal jurisdiction, Senator Grafstein states the following:

There is a long list of areas where the federal government makes frequent infrastructure investments in matters traditionally considered within the provincial scope of activities when it affects the health of Canadians or the economy of the country as a whole. The fact that the federal government could save billions in preventive health costs if community drinking water supplies were no longer a threat to the public health and to thousands of Canadians daily is now, I believe, beyond question.

Since he has spoken on this issue, the budget introduced last week by the Conservative government did outline a National Water Strategy that would provide \$93 million over two years to improve the quality of water in Canada's rivers, lakes and oceans.

A summary of the National Water Strategy initiatives contained in the budget document notes that ensuring clean and safe water for Canadians is a joint undertaking by the municipal, provincial and federal governments. The federal government has

over 100 programs related to water that deal with areas of federal responsibility, including drinking water on First Nation Reserves and in federal facilities, water quality relating to fish and fish habitat, oceans and their resources, and transboundary and international waters.

• (1540)

Some of the budget items include \$11 million over two years for action related to the cleanup of eight areas of concern in the Great Lakes basin under the Canada-U.S. Great Lakes Water Quality Agreement; \$5 million over two years to the International Joint Commission for further study of the Great Lakes and outlying regions on water quality with the U.S.; \$12 million over two years to support the cleanup of lake Simcoe; \$7 million over two years to support federal leadership in advancing the cleanup of Lake Winnipeg; and \$19 million over two years to advance the health of the oceans to support greater water pollution prevention, surveillance and enforcement along Canada's coast.

The new long-term plan for infrastructure funded by Budget 2006 and Budget 2007 will provide a total of \$33 billion over the next seven years to help support infrastructure investments by provinces, territories and municipalities, some of which will be used for water and waste water treatment projects.

In addition, honourable senators, some progress has been made on the issue of clean water for Aboriginal reserves. Last week, the Honourable Jim Prentice, Minister of Indian Affairs and Northern Development, tabled a report in Parliament that details the improvements that have been made over the past 12 months in water quality on reserves. A year ago, Minister Prentice announced a plan of action to ensure that all First Nations communities have access to clean, safe drinking water. In reporting progress over the last year, he noted that in the last 12 months the number of high-risk water systems in First Nations communities have been reduced from 193 to 97. There is still a long way to go.

Some of those reserve projects in my province of British Columbia include Semiahmoo south of Surrey, Shuswap, which is in the interior, the Toqhaht, which is near Ucluelet, Canoe Creek which is southwest of Williams Lake and the Lake Babine Nation community near Smithers and Toosey. I must confess that I had never heard of this community before, but the population of 276 people with 141 on the reserve, which is 200 kilometres south of Prince George. Progress is being made, but we have a long way to go. I am grateful to Senator Grafstein for taking these initiatives and pushing these issues on to the public agenda.

Canadians have taken fresh water — safe fresh water — for granted. Our country has the third largest supply of fresh water in the world. However, emerging awareness of global warming impacts on water supplies is focusing Canadian interest in our water resources and the need to protect and conserve them.

I have a personal interest in this debate. I live on an island where we must rely on the rain to supply our wells and our reservoirs. We only care about water when the reservoir runs dry. Secondly, I have told my colleagues before about how the loss of water access impoverished my own family's homestead in the Okanagan, when the government brought in a system of water licences and my grandfather did not get the licence to the pump bowl, which was a huge spring beside his log cabin, on the

grounds that the government had no business interfering with his property. Possibly, family legend says, there was some alcohol consumed in this debate. The neighbour licensed the punch bowl next to grandfather's log cabin and that was the end of our homestead. When the old man died there was no grain in the barn and no cattle on the range. There was nothing, because he had no water for the homestead.

Many Canadians are increasingly concerned that other countries, particularly America, will covet our freshwater resources. They take comfort in the assumption that Canada has legislation that prohibits the export of bulk water to the U.S. This is a false assumption. As the Conservative critic on Bill C-6 in 2001, I was the first parliamentarian to point out that the legislation, aimed at prohibiting the export of bulk water, actually licensed such exports. This judgment was subsequently supported by committee witnesses and the Privy Council Office. This dangerous amendment to the International Boundary Waters Treaty Act was passed by the Liberals on December 18, 2001 and warrants re-examination by our new Conservative government. I have raised this issue with Senator Banks, chair of the Standing Senate Committee on Energy, the Environment and Natural Resources.

At the time, when I wrote the premiers of the provinces, pointing out the possible impacts of Bill C-6, I had some surprising results. Some premiers never answered my letter; others expressed alarm and still others made it clear that they wished to keep open the option to export fresh water.

At the time, the Minister of Foreign Affairs, John Manley, told the Foreign Affairs Committee of the Senate that the purpose of the bill was to give a legislative context to the treaty and to make clear the federal government's position on the removal of water in its natural state from within the basin. However, it was not clear to members of the committee, some of whom are still in this chamber, that whatever the government's intent, the legislation did not achieve this goal. The intent was not spelled out. The intent to limit bulk exports is not contained in the legislation itself. It is suggested in the regulations that can be changed in secret without parliamentary approval.

In my speech on second reading, I described Bill C-6 as a sleeper that could result in the complete opposite of its stated objective, which is to limit bulk water exports. That is supported by many Canadians, including myself. In fact, we have pointed out that the legislation, now enacted, could actually be used to permit some bulk water exports where no such permission now exists.

Minister Manley told us in committee:

There is nothing in this bill that characterizes water as a tradable good, nor could it be interpreted to do that.

Several witnesses disagreed with this statement.

This is the problem and the heart of my argument with the legislation. The huge regulatory and ministerial discretionary powers that are enshrined in law mean that the bulk water export ban is not binding on the government. Basically, the legislation as it now reads says:

Thou shalt not export bulk water unless the minister says you can.

• (1:55:0)

At the time, trade lawyer Barry Appleton told us:

Rather than create the opportunity to develop some environmentally sustainable comprehensive water policy, this bill has created a mechanism to actually license, in certain circumstances, water going from Canada to the United States.

I am sure that that was not the intention; however, under the wording of this bill, it is clearly the effect. Dr. Howard Mann, an Ottawa-based lawyer and policy consultant specializing in international environmental and trade law, told the committee:

This is a serious risk. Once exports of water begin, governments, federally and provincially, cannot arbitrarily deny further exports. Any denial of exports would have to be in accordance with trade law, including chapter 11. You are in the game as soon as you start down that road.

Chapter 11 is the chapter dealing with national treatment that would allow Mexico and the United States to access our water resources. I stress again, as the minister responsible for the Free Trade Agreement at the time, water itself was not in the Free Trade Agreement but tradable goods are covered.

When I questioned University of Calgary law professor, Nigel Banks, I asked:

Can this bill as presently drafted, which gives discretionary power to the Governor-in-Council and also to the regulatory process, be used to license the export of bulk water from boundary waters?

Would the removal of waters for irrigation purposes to the United States be allowed in this case if you could show by an environmental assessment or other means that it did not affect boundary levels?

Dr. Banks said, "I think the answer is yes."

There is a lot of support for our concern, and that concern is still relevant. This legislation should be reviewed and clarified as to its intent and its impact. As the old nursery rhyme says:

Water, water everywhere and not a drop to drink.

That would be a future that could affect us in Canada, if we do not take tough measures on this subject of continuing interest.

I am grateful again, as I said, to Senator Grafstein for taking the initiative on this issue of clean fresh water for Canadians.

On motion of Senator Comeau, debate adjourned.

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Phalen, seconded by the Honourable Senator Day, for the second reading of Bill S-222, to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking.—(*Honourable Senator Comeau*)

Hon. Wilfred P. Moore: Honourable senators, I rise today to lend my support to Bill S-222, an act to amend the Immigration and Refugee Protection Act and to enact certain other measures to provide assistance and protection to victims of human trafficking.

I commend our colleague, Senator Phalen, who has championed this just cause and has drawn the attention of this chamber to a truly miserable form of human exploitation.

This bill serves to meet some of our responsibilities as signatories to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, ratified by Canada in 2002. This protocol is known as the Trafficking Protocol. It provides a definition of trafficking, and requires signatories to not only criminalize trafficking but to also provide support for the victims of such practices.

Thus, the purpose of Bill S-222 is to:

... provide for specific legislative measures to assist and protect victims of human trafficking who are without legal status in Canada by

(a) providing a means for them to legalize their status as temporary residents and facilitating their eventual acquisition of permanent resident status in appropriate circumstances; and

(b) providing them with the appropriate status to access necessary health and social services.

As Senator Phalen mentioned in his excellent speech on February 6, 2007, the key tool in providing the above-mentioned access for victims of human trafficking would be based on the Trafficking Victims Protection Act, a statute of the United States of America passed in 2000.

According to HumanTrafficking.org, this legislation:

... enhances pre-existing criminal penalties in other related laws, affords new protections to trafficking victims and makes available certain benefits and services to victims of severe forms of trafficking. One option that has become available for some victims who assist in the prosecution of the traffickers is the "T-Visa" that allows the victim to remain in the United States of America.

Bill S-222 features the Victim Protection Permit, which would allow for a victim of human trafficking to remain in Canada as a temporary resident, with the benefits accorded this status, for 120 days with the possibility of an extension to three years if certain qualifications are met.

These three criteria for a three-year extension are:

- (a) the foreign national is or has been a victim of human trafficking in, or in the course of coming into, Canada; and
- (b) either
 - (i) the foreign national has complied with, or is willing to comply with, any reasonable request for assistance in the investigation or prosecution of acts of human trafficking or related offences, or
 - (ii) there is a serious possibility that the foreign national or a member of their family, would suffer hardship, retribution or other harm if the foreign national were removed from Canada.

This aspect of the legislation is important. In the other place, the latest report from the Standing Committee on the Status of Women dealt with issues of human trafficking in Canada. The committee too embraces the need to provide the necessary protection for victims and feel that little has been done to meet the requirements of the Trafficking Protocol. As Danielle Strickland from The Salvation Army informed that committee:

If we provide adequate care and provision for these traffic victims, I believe we can free some of them enough that they would begin to share some of the secrets of the trafficking trade, which would benefit us in combating sexual trafficking more than we could ever imagine.

Thus, the importance of this protection is two-fold: It provides the victim with rights to health care and social services as well as protection from deportation, and it also provides law enforcement with the opportunity to combat human trafficking through the cooperation gained from the victim.

Part 2 of the bill outlines the responsibility of the Minister of Health to:

- (a) provide for the establishment and operation of a national, multilingual toll-free telephone hotline within the Department of Health to provide counseling, information and referral services to assist victims of human trafficking.

Also included in this section is the need for proper training of those operating the hotline, as well as a need for a national education campaign to make Canadians aware of the problem that exists in this country regarding human trafficking.

Once again in the other place, the Standing Committee on the Status of Women also recommended the creation of such a hotline for victims of human trafficking.

These measures contained in Bill S-222 are appropriate responses to a problem that is unfortunately alive and well not only internationally, but, right here in Canada.

[Senator Moore]

As Senator Phalen informed us in his speech, there are merely estimates available to demonstrate the scope of trafficking in Canada. The Royal Canadian Mounted Police have provided estimates of between 600 to 800 individuals being trafficked into Canada each year for the purposes of sexual exploitation or forced labour, the great majority being trafficked for the former purpose.

I suggest that only one case of human trafficking per year would justify the provisions contained in Bill S-222.

Recently, Senator Phalen and I had the opportunity to attend an information session on human trafficking, which was presented by the International Justice Mission Canada. International Justice Mission, IJM, is a unique human rights organization that provides a direct response to individual cases of abuse through the use of professional investigations and the mobilization of local authorities for intervention.

According to that organization, the vast majority of cases forwarded to it involve the sexual trafficking of women and children. IJM estimates that between 18,000 and 50,000 women are trafficked into the United States each year to be sexually exploited. That estimate is worrisome for Canada as it might translate into women being trafficked through Canada to the United States in numbers significantly higher than the 600 to 800 estimate provided by the RCMP.

According to Jamie McIntosh, the Executive Director of International Justice Mission Canada, it is of paramount importance that:

... Canada place the highest priority on the enforcement of anti-trafficking law by targeting funding for police and NGO efforts. IJM believes Canada should be providing the necessary funding in order to pursue this goal on both a national and international basis.

Mr. McIntosh placed a great emphasis on Canada's international role in combating human trafficking, and he also provided a specific example of how Canada has been active in this regard. He said:

In 2003, IJM conducted a three-week undercover operation in the Cambodian village of Svay Pak, just outside of Phnom Penh, in which IJM identified 45 children under the age of 15 who were being offered for sexual exploitation, often to foreign sex tourists, including Canadian citizens. On March 29, 2003, in an operation conducted jointly with the Cambodian National Police, thirty-seven girls were rescued from the brothels, including nine who were between the ages of five and ten years. A former UN police officer from Toronto provided logistical support for the operation. As well, a Staff Sergeant from the Toronto Police Service has been active in providing training to the police in Cambodia.

Although this role is outside the scope of this bill, I mention it to draw awareness of honourable senators, indeed of all Canadians, to the type of victims who might reach Canada, and to demonstrate that Canada can play an active role in international prevention as well.

Finally, honourable senators, as has been mentioned earlier today in this chamber, March 25, 2007, marked the two hundredth anniversary of the passage of An Act for the Abolition of the Slave Trade by the British Parliament. That statute was the culmination of many years of determined struggle by William Wilberforce, a devout Christian who led the fight as a British member of Parliament. I commend to you the feature film, *Amazing Grace*, currently in theatres, which is a superb biography of Wilberforce and his historic work.

Here we are, 200 years later — 200 years after the abolition of slavery — and yet human trafficking has evolved into a multi-billion dollar industry with no end in sight.

Honourable senators, I urge you to support Bill S-222.

On motion of Senator Andreychuk, debate adjourned.

• (1600)

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, that Bill C-288 be not now read a second time, but that the subject-matter thereof be concurrently referred to the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Energy, the Environment and Natural Resources;

That the committees report back no later than December 31, 2007; and

That the Order to resume debate on the motion for the second reading of the bill not appear on the *Order Paper* and *Notice Paper* until such time as both committees have reported on the subject matter of the bill.—(Honourable Senator Murray, P.C.)

Hon. Lowell Murray: Honourable senators, I will continue where I left off after a few brief introductory remarks last Thursday.

Let me acknowledge immediately that the Speaker of the House of Commons has ruled that this bill is not, technically speaking, a money bill. However, as the Speaker of the House of Commons and the Speaker of the Senate never tire of reminding us, their role is to rule on matters of parliamentary procedure, not on questions of law or public policy, and certainly not on the Constitution.

It is in this constitutional context that I address this bill. When I speak of the Constitution, I speak of the conventions of our Constitution in the sense used by the Supreme Court of Canada when they refer to “the unwritten rules which include constitutional convention and the workings of Parliament.”

Senator Grafstein reminded us the other day that the Supreme Court of Canada had said that these conventions of our Constitution, these unwritten rules, are coequal with the written Constitution, and no wonder. Among the subjects that are not covered in the written Constitution and that form part of our constitutional conventions are not only the role but the existence of a prime minister and the principle of confidence — that a government must have the confidence of the House of Commons to continue governing. In brief, most elements of our system of responsible government are not covered in our written Constitution but are, rather, conventions, part of the unwritten Constitution. Yet, as we know, those conventions are absolutely vital to our governance.

When we speak about responsible government, we have a tendency to emphasize, because we are parliamentarians, the responsibility of Parliament to hold the government accountable and responsible. As I say, that is as it should be. We speak of the power of the purse and other prerogatives of Parliament vis-à-vis the executive.

However, I suggest that equally important, and something that we must also emphasize, is the role of ministers in this dynamic. It is not for nothing that we call it “cabinet government.” It is in their hands, the hands of ministers, that power and responsibility are concentrated. They have the duty of office, the duty of government. They have constitutional responsibility for the use of power, individually and collectively. Because they are responsible individually and collectively as ministers, as an executive, Parliament can do its job of holding them accountable and responsible.

Some honourable senators may recall my expressing exasperation a few years ago when several ministers in the Chrétien government were found to be freelancing on important matters, including even constitutional matters — the role of the monarchy and that sort of thing. Honourable senators may not recall that in the written reply that I received to questions I asked on this matter, the then Prime Minister, Mr. Chrétien, pointedly, if belatedly, called those ministers to order and reminded them of the purpose of cabinet unity and solidarity. It underpins our system of responsible government.

Bill C-288 introduces congressional law-making into the Westminster and Canadian parliamentary system. In an exchange between Senator Meighen and Senator Grafstein the other day, one of the points raised was that the congressional system has its own inner logic. It seeks to achieve its own equilibrium. So does ours — our Westminster and Canadian system. They seek to achieve their equilibrium by a separation of powers and by a system of checks and balances between the legislature and the executive. We seek equilibrium in the dynamic of the responsibility of ministers to govern and the role of Parliament to control the exercise of ministerial power.

The systems are vastly different. In the Congress, all members are expected to participate in law-making by introducing bills. Our old friend, Senator John Stewart, wrote a book in 1977 called

The Canadian House of Commons. In discussing the difference between our system and the congressional system he said, "The distinction between private members' business and government business is irrelevant."

Honourable senators know that there are important laws on the statute books of the United States that bear the name of their congressional sponsors such as Sarbanes-Oxley and, for those of us old enough to remember a few generations back, Taft-Hartley and many others.

The members of the Congress are active players in preparing the national expenditure program. The president may propose a budget. Someone said to me the other day that presidential budgets, for some years, have been "Dead on Arrival" in the Congress because the Congress may modify them in any way and send them back, at which point the president must accept them or exercise presidential veto, another aspect of their system that we do not have.

Last week, the House of Representatives in Washington passed a resolution, one of the elements of which is to bring the troops home from Iraq by September 2008. As soon as President Bush got wind of it, he said, "I'm going to veto it." Then, referring to still another aspect of their dynamic, he said, "By the way, looking at that vote, I don't think you have the votes to override my veto."

The systems are so different that it seems to me to be a considerable mistake to try to patch elements of one system onto another.

In his book, Dr. Stewart wrote, "If we are to understand the functions of the House of Commons, we must begin by purging from our minds both every taint of congressionalism and the view that Parliament is 'the legislature'. The view that the House of Commons is a congress is incompatible with responsible government."

Later, he spoke of the Speech from the Throne opening each new session of Parliament. In his words, "It is no mere antiquarianism." It shows that, as in the past, the relationship still prevails, "that is, that the members have been summoned not so that they may introduce their bills but so that they may consider the financial requests and any legislative requests to be put before them by the Queen's ministers." Later he said, "The power of the House to influence the Queen's government is political, not legal."

There are time-honoured ways in which one or other or both of the Houses of Parliament can express their views and make their views known on important matters. Our friend, Senator Segal, put down a motion the other day in which the Senate would call on the government, and call on the House of Commons to join us in calling on the government, to withdraw our ambassador in Zimbabwe and sever diplomatic relations with that country.

If that motion were to pass both Houses, it would not have the effect of severing diplomatic relations or withdrawing the ambassador. It would, however, send a most powerful message to the government and to the international community that we want a more robust, a more aggressive, if you like, position on the part of our government toward the situation in Zimbabwe.

• (1610)

However, it is the prerogative — and that motion recognizes that it would be the prerogative — of the Queen's ministers to decide whether or not to cut off relations. Nor do I want to suggest for a moment that private members' bills are inconsequential. To come back to Senator Segal, he has one that as a matter of fact I seconded, to provide for quarterly financial reports from the government to Parliament and a resort to the accrual accounting system.

Senator Ringette has Bill S-201, to amend the Public Service Employment Act for the elimination of bureaucratic patronage and geographic criteria.

Senator Downe has Bill S-203, to give priority for appointments to veterans.

Senator Grafstein's Bill S-205 would amend the Food and Drugs Act regarding clean drinking water.

Senator St. Germain has Bill S-216, for the Crown's recognition of the self-governing First Nations of Canada.

Let us never forget Senator Carney's bill on the preservation of heritage lighthouses.

Private members' bills are not inconsequential, but they may not force the government to do something that the government has resolved not to do. It is up to the government to propose measures to Parliament. Parliament cannot force the government to propose a particular measure. This bill, it seems to me, does stand our system on its head.

Professor Ned Franks, someone we all know and have seen at parliamentary committees, says, "The parliamentary system means government in and with, but not by, Parliament."

Professor Tom Flanagan, writing in *The Globe and Mail* on February 20, described this bill as "bastardized Americanism," which I must confess is a bit rich, coming from someone who supported the old Reform/Alliance nostrums and bromides, and brought bits and pieces from the United States to be patched on to our system, such as fixed election dates, which I oppose for the same reason that I oppose this bill, the Triple-E Senate and all the rest of it.

Clause 4 reads that this bill "is binding on Her Majesty in Right of Canada." This private member's bill would compel the government to bring in a plan now and to implement that plan year by year through the year 2012, a plan that must include, says the bill, fiscal measures and incentives, regulations, interventions in the market — all to do what the government has repeatedly said it cannot responsibly do, except at considerable cost to the Canadian economy and has, therefore, resolved not to do.

This bill would force the government to do those things. Whether the government is right or wrong on the Kyoto Protocol is not the issue here. The constitutional reality, honourable senators — and this is as hard for some people to say as it is for some people to hear — is that the Harper government enjoys the confidence of the House of Commons as matters now stand. They have survived their Speech from the Throne. They are on the way to surviving their second budget. They have managed to get

through Parliament a number of bills that they regard as central to their mandate. They have the responsibility to govern. They may propose measures to Parliament. They cannot be forced to propose a particular measure.

I believe that this bill is unprecedented — I will stand corrected if someone can show me precedence for it — in the extent to which it directly conflicts with our system of responsible government, and to the extent that it may create a precedent, I believe it would be a big mistake to pass it. Therefore, if given the opportunity, I shall register my opposition in principle by voting against it at second reading.

Hon. Joan Fraser: Would Senator Murray take a question?

Senator Murray: Yes.

The Hon. the Speaker: I must advise that Senator Murray's time is exhausted. It would require an extension of his time.

Hon. Senators: Agreed.

The Hon. the Speaker: Is it agreed he has five minutes more?

Hon. Senators: Agreed.

Senator Fraser: Honourable senators, I always love listening to Senator Murray speak, and I certainly hesitate to take him on on matters of this gravity, where he has such direct personal experience.

Nonetheless, I was puzzled by his argument. He mentioned a number of private members' bills that have been before us at one time or another, but it struck me that perhaps a useful parallel here would be with the bill that was brought forward several times, finally successfully, by our former colleague Senator Gauthier on official languages. That bill was designed to oblige the Government of Canada to act, almost certainly in ways that will cost money, to give teeth to Part VII of the Official Languages Act.

When I was on the Official Languages Committee and listened to testimony — and also I think on the Legal Committee — about this bill, I learned that when that portion of the Official Languages Act was brought in by the Mulroney government, the minister of the day, Mr. Bouchard, when asked, had assured members of the Senate that the bill would have teeth, that it would oblige the government to act, that it was not simply an expression of good wishes — one might even say, not just a press release.

However, once the bill was passed, successive governments bitterly opposed the idea that they were, in fact, required to do anything at all under that portion of the act. Senator Gauthier set about persuading Parliament to instruct them to live up to their word, the word given by the minister of the day when the law was passed. He won. We have all considered that, I believe, a high achievement, a great moment for Parliament.

Why was it good then for parliamentarians to attempt to hold the government to the word of its predecessor, and not now?

Senator Murray: I remember, of course, the bill that Senator Gauthier brought in several times. I supported it. I remember the original bill, because I was the sponsor of it in this place. I do not

have those bills in front of me, but I know what Part VII said, and says. In its original version, if I may put it in a nutshell, it was "the government may" or "ministers may." In the Senator Gauthier version, it is "ministers shall."

I think if my friend examines the Senator Gauthier bill and then examines Bill C-288, with its requirement for fiscal measures, incentives, regulations and interventions in the market and so on, she will find that this bill is far more constraining on the government than are the amendments brought in by Senator Gauthier. It is purely speculative, in the case of Senator Gauthier's amendments, as to whether they will or will not cost money. In the Official Languages Committee, of which I am still happily a member, we have frequent discussions about ways, quite short of calls on the treasury, in which the government may, can and should exercise its responsibility to promote "the vitality of official languages communities across the country." In a word, my honourable friend is drawing a very long bow when she tries to compare those two pieces of legislation.

• (1620)

Senator Fraser: I would agree that Senator Gauthier's bill did not come with infinite numbers of specific annexes, but the whole point of that bill was, as I recall, to make the need for promotion across a broad range of areas that are, in the end, justiciable. Official language minorities are now in a position to take the Government of Canada to court, where it will be ordered to act. With respect, I would still say that there is a parallel here that we should bear in mind.

Senator Murray: Parallels are not identity.

The Hon. the Speaker: Senator Murray's time is up. We are now continuing debate.

Hon. Anne C. Cools: Honourable senators, I had wanted to place a question to Senator Murray. I was relying on his response to make a decision as to whether or not I would intervene in the debate. I know that we granted Senator Murray five minutes, but the objective or the goal of this place is to have a debate. I do not understand why we cannot have some debate. As a matter of fact, I do not understand why "five minutes" was pulled out of the air. Just as easily, senators could have agreed to 10 minutes.

I would like a question answered. Senator Murray has made an extremely bold statement. Some of what he said I disagree with, and some I would question. He is saying the opposite of what I understand, namely, that there are circumstances when a government must give consideration to the opinions of the two Houses. I wanted Senator Murray's opinion on that comment. Perhaps Senator Murray could ask for an additional few minutes. It seems to me that when a senator as distinguished as Senator Murray raises important issues, we should be able to discuss them.

Senator Murray: It is difficult to resist an invitation couched in such generous terms. I think it would be a very rash government and an imprudent government, especially in a minority position, that would ignore an expression of opinion by one or other or both Houses of Parliament, an opinion such as the one proposed in Senator Segal's motion with regard to Zimbabwe. What more can I say?

This bill is not an opinion; it is a bill that will force the government. It goes to the heart of government policy at a time when it appears the government is in the middle of formulating its own policy. The proposed clean air act is in the House of Commons, Mr. Baird is over in Potsdam, and the Prime Minister is saying that the days of voluntary compliance with emissions is over and there will be something more obligatory with regard to emissions regulations. This bill is forcing the government to do something that goes to the heart of government policy.

Honourable senators, there is a role for private members' bills. Many private members' bills do not pass because they commend themselves to the government, especially to public and parliamentary opinion, and end up as government bills. My friend knows that.

Senator Cools: I thank the honourable senator for his response. Senator Murray is making a few different points, some of which are at variance with one another. I take the point about the notion of receiving into Canada, furtively or surreptitiously, a congressional system. I thank him for his quotations from former Senator Stewart, particularly where Senator Stewart makes the point that Her Majesty or the notion of Her Majesty in this system is no antiquarian or quaint fact and that the House of Commons is not a system of delegates.

Perhaps I can cite an authority that I just happen to have with me, unrelated to this bill, I promise you. There have been instances when this house and the House of Commons, by resolution, caused a government to take a different position. For example, I believe in the 1878, a Lieutenant-Governor of Quebec — I think his name was Letellier — was removed as a result of a motion of this house condemning his activities in Quebec. I have not looked that up for a little while. Sir John A. Macdonald, when he acted to recommend to the Governor General of the day that the lieutenant-governor should be removed, relied on the Senate resolution.

The authority I would like to cite for Senator Murray is from Mr. Alpheus Todd. For any senators who do not know the work of Alpheus Todd, he is probably one of the most stupendous writers on the subject of Parliament. His work predated Erskine May's. Many people do not know that he was born in England but lived in Canada.

I happen to have with me a citation from his book, *On Parliamentary Government in England*, Volume 2, the 1892 edition, in which he says the following:

An expressed opinion of either House of Parliament, and especially of the House of Commons, upon any matter, whether it be a legislative question or one that comes within the sphere of prerogative or administrative function, even if it has been adopted by the house in opposition to the advice of ministers, is always entitled to respectful consideration.

Even if it has been adopted in opposition to the minister. This is an important point. Senator Murray is on to something very important, and we should have a whole-scale debate on this matter.

[Senator Murray]

Alpheus Todd continues:

But the degree of weight to be attributed to any such resolution will be governed by the circumstances of the case. . . .

Todd continues. I will skip a few lines.

Ministers have sometimes deferred to the wishes of Parliament, thus formally declared, while at other times they have taken a stand and refused at all hazards to comply therewith.

These are the critical words. Mr. Todd writes:

The persistence of either House in a declaration of opinion upon any important question in which ministers do not concur must ultimately assume the shape of confidence or non-confidence in the administration.

In other words, Mr. Todd is making the point, which has now become obfuscated or forgotten, that if either house persists on a matter of important policy or an important question, if either house persists in its position in contradistinction and in opposition to the ministry or the minister, the minister should resign.

I remember discussing this point with Senator Banks a few years ago, and I see it happening here all the time. Ministers now send notes saying that they are opposed to this private member's bill and to that private member's bill, urging senators to vote against particular bills. That is also very wrong and extremely objectionable. The rule is that if the house is in opposition to the minister, the minister has to change his position and put his weight behind the bill or resign.

I wanted to put that point to Senator Murray. He raised these profound issues, and they are very welcome. I know I welcome them.

• (1630)

On that point, it depends on the circumstances of the case and on other matters, such as the degree of public support and all the other questions that come together, to make confidence concrete and real.

Honourable senators, I appear not on the substance of Bill C-288 as I have not read it yet; maybe I will now to be eligible to join the debate. One cannot assert that governments simply can ignore the Houses of Parliament when expressed opinions are concluded by a vote of the house.

Perhaps Senator Murray would like to respond.

The Hon. the Speaker: Continuing debate, Senator Joyal.

Hon. Serge Joyal: I want to be sure that I am within procedure. Do I understand that Senator Murray's time has been extended to allow me to ask a question?

Senator Cools: Yes.

The Hon. the Speaker: It is on Senator Cools' time.

Senator Cools: No, no, I asked the chamber —

Senator Cowan: You spoke.

Senator Cools: I thought I asked the chamber if we could extend Senator Murray's time. Senator Murray stood up and spoke and I was answering him. That is what I thought.

There is never a vote. It is unanimous consent.

The Hon. the Speaker: Senator Murray's time is expired. Continuing debate, Senator Bryden.

Senator Cools: Can I take the adjournment, then?

Hon. John G. Bryden: Senator Murray's time was extended by five minutes.

Senator Comeau: Originally, yes but it is over now.

Senator Cowan: Then Senator Cools made a speech.

Senator Bryden: Honourable senator Cools is saying that it was open as long as Senator Murray said things that supported the position.

Senator Cools: Yes.

Senator Bryden: The honourable senator is now saying, "But now I will cut it off." There is fairness to be known.

Senator Comeau: I do not cut anything off.

Senator Cools: But five minutes — you do.

Senator Cowan: Then she made a speech.

Senator Cools: I did not make a speech. I asked Senator Murray a question.

Senator Bryden: If the Honourable Deputy Leader of the Government did not ask that Senator Murray be limited to five minutes, Your Honour, why would you not allow Senator Joyal to ask his question? It is obviously open.

Senator Stratton: No.

Senator Cools: Precisely: It was open.

The Hon. the Speaker: Continuing debate on the motion that is before the House.

Senator Cools: Honourable senators, to make this clear, my understanding is that I was not speaking —

Senator Cowan: Sure you were.

Senator Cools: I was, but I was speaking to Senator Murray on Senator Murray's time. This habit has crept into this house of a voice calling out "five minutes", and the Speaker saying "five minutes," but it is an unfair practice. My understanding is

that I asked the house for permission to extend Senator Murray's time and that is what was granted.

Senator Bryden: Your Honour, is there a rule that time, when extended, can only be extended by five minutes?

Senator Day: No.

The Hon. the Speaker: Unless a point of order is raised, the matter before the house is under debate. Is there further debate on the motion before the House?

Hon. Terry Stratton: I move adjournment.

The Hon. the Speaker: It was moved by the Honourable Senator Stratton —

Senator Cools: Honourable senators —

The Hon. the Speaker: — seconded by Honourable Senator Di Nino that further debate in this matter be continued at the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Senator Cools: No.

The Hon. the Speaker: On division.

Senator Cools: Something is wrong here. The mover —

Senator Stratton: Order.

The Hon. the Speaker: Honourable senators, the matter has been determined by the house, on division, I take it.

Does Senator Cools wish to raise a point of order?

Senator Cools: Well, Your Honour —

The Hon. the Speaker: The answer is either yes or no.

POINT OF ORDER

Hon. Anne C. Cools: Your Honour, you are fast to rise to your feet to do particular things. I think, perhaps, you should ascertain whether other honourable senators wished to speak.

With my questions to Senator Murray, I was trying to clarify exactly what it was that he was saying by offering some authority. Senator Stratton has jumped up to take the adjournment, and perhaps that may not be out of order, but it would seem to me that, in respect of the intervention by Senator Murray, the mover of the motion, the sponsor of this bill, or whatever it was, should be accorded an opportunity to question Senator Murray on his extremely important intervention. That is all I was trying to say.

This body is supposed to be self-regulating. We are supposed to give you advice, Your Honour, as to where next to move in respect of these proceedings, which is what I thought I was doing. I do not want to prolong the situation, but Senator Bryden is correct: As long as someone was agreeing, it was all right.

Perhaps we must review this silly, supercilious, extravagant creation of one or two people about this five minutes. What is the point of debate? Close the place down, then, if there is no debate.

I do not like what has happened. This is unfair and it is not proper, Your Honour. It is your job to defend our rights here to debate. That is all.

The Hon. the Speaker: Is there further comment on the point of order?

Hon. Joan Fraser: Thank you, Your Honour.

I think Senator Cools raises a matter of some substance when she talks about the practice in recent years of giving leave to extend time for —

Senator Cools: No, I am not.

Senator Fraser: Five minutes. Perhaps it is something we should think about again. However, in this case, leave was sought to extend the time. I heard, on both sides, what has become the customary, "We will give leave for five minutes." I heard no dissenting voice to that.

Senator Cools: Yes.

Senator Fraser: Rule 4(k)(iii) states:

"Leave of the Senate" means leave granted without a dissenting voice.

The Senate is the master of its own destiny. If the Senate decides to extend leave for five minutes, then that is the end of the matter. However, that does not mean that I disagree with the deeper substance of the point that Senator Cools makes about our now almost automatic resort to this practice.

Senator Cools: I want to say this automatic five minutes is a fraud. I could speak to the point of order.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I want to go back a bit in the history of this issue.

Some time ago, if I recall, we had half-hour speeches.

Senator Cools: No.

Senator Comeau: Well then, 20 minutes.

Senator Cools: No, we never had that.

Senator Comeau: This chamber, for some reason, decided at one point to make speeches on such matters, 15 minutes.

Senator Cools: You did.

Senator Comeau: Whatever, you can go back over the history as to who was responsible, but speeches were brought down to 15 minutes.

Some people had prepared their notes but they may not have wrapped up completely at the 15-minute mark and were asked to sit down halfway through a flight of oratory that may have been interesting. It was extremely rude for one to be asked to sit down halfway through a sentence.

It evolved over time that one would stand up and ask for an extra few minutes of time to wrap up a speech. With time, this practice evolved to five minutes. Whether or not we like it, it evolved to five minutes.

We have developed the equivalent of a house order. Once leave is granted, it becomes a house order of five minutes. Once the five minutes is over, that particular house order is then finished, over.

If we wish to change that house order, that is, if we do not like the convention that we have established and we want to make it longer, we can give it a try. We can ask for 20 minutes, half an hour or an hour if we wish. One might get the house order at that point. However, it evolved to five minutes. This practice is fair to everyone.

• (1640)

I heard someone mention a while ago that this is a very senior member of the Senate and, therefore, this person should be allowed more than five minutes. I do not think we want to go there. I do not think we want to start singling out some senators as being worth five minutes and others as being worth 10 or 15 minutes. The reason behind granting five minute extensions was to give those last few minutes to wrap up a speech when one might not have calculated their time well.

I suggest that this is not a point of order; this is a point of opinion. I think His Honour should rule that this point of order is not in order.

Hon. Sharon Carstairs: Your Honour, I would have to agree that there is no point of order. The rule is very clear. It states that senators have 15 minutes, unless they are the leaders or the main speakers, number one and two, to a piece of legislation. Having said that, it has become the custom to extend the time, which has, in itself, led to much.

Perhaps His Honour should convene the advisory council to the Speaker and have a more thorough discussion of whether there should be time limits on the speeches of individual senators and what extension of that time limit should be granted.

Hon. Grant Mitchell: Honourable senators, I would like to add another wrinkle to this point of order. I was trying to get the attention of His Honour before the motion was moved by Senator Stratton to adjourn debate. I wanted to speak on this very issue to address the points made by Senator Murray and Senator Cools.

I have two concerns. One is that His Honour perhaps neglected to recognize me because he thought that I would be speaking on second reading, thereby closing the debate. That was not my intention; I wanted to speak on this amendment, which would not close debate.

Your Honour, I feel that I should have had a chance to speak; I could have been recognized. I know Senator Stratton probably did not want to cut me off, but that is what occurred. I am seated a long way back in the chamber and am only five feet, six and three-quarter inches tall. I just ask that you keep your eyes this way a little bit.

Hon. Terry Stratton: I appreciate Senator Cools' concern and Senator Mitchell's concern, but there is tomorrow. We can speak tomorrow.

Senator Cools: No, tomorrow the Senate must adjourn at four o'clock.

Senator Stratton: The honourable senator can speak Thursday; it is not the end of the world.

Senator Cools: Honourable senators, I want to close this discussion since I began it. We cannot speak tomorrow to Senator Murray directly. That is one of the objectives of this chamber, namely, that we are supposed to be able to dialogue with each other. Once Senator Murray's time has passed, one can speak about what he said, but one cannot engage him directly and obtain his thoughts directly. It is not the same thing at all.

Honourable senators, I categorically reject any notion that, as Senator Comeau says, there is a form of a convention about the "five minutes," or that there is a practice or that it is a house order. None of those is true.

In actual fact, odd habits or undesirable behaviours have grown up because governments have wanted to limit debate on certain questions. When Senator Comeau was describing the origin of this practice, we can remember exactly where this 15-minute rule came from. It came out of the rules introduced after the GST debate by Senator Brenda Robertson in this place, at the behest of the Conservative government. They were adopted in 1991 in the same way.

Many times in this place individuals have asked for extensions of 15 or 20 minutes. I recall a very able speech given by Senator Michael Kirby when he began by asking for an additional 15 minutes of extra time.

What has happened here, honourable senators, is a kind of corrupt practice. At one point, someone asked for a ruling, and the Speaker ruled to the effect that when an honourable senator requests an extension, another honourable senator can bring forth an amount of time.

I questioned that ruling then and I question it now on the grounds that unanimous consent is required. Perhaps it should be that when a senator asks for an extension of time, they should indicate how much to all honourable senators. Unanimous consent is a negative. It is an agreement to suspend a rule. It cannot be converted to a system of voting on a positive.

For example, if the Speaker wants to put before us that an extension be for five or 10 minutes, that would have to be done by a motion. The Speaker simply does not have the power in this place to obtain these kinds of opinions of the house by virtue of unanimous consent.

Honourable senators, two weeks ago I sat through a situation here where senators were denied opportunities to have a few extensions of time. All that debate was curtailed; but, a few minutes later, we were subjected to a series of one-hour bells. This government had ample time for itself; it just did not have time for other senators.

The issue here is not the lack or the absence of time. The issue here is that this government simply does not want to hear any views that disagree with it.

I strongly object, honourable senators, that any Speaker of this place should facilitate, ameliorate or allow that sort of process. Five minutes extra is not a lot of time for anyone who does serious research. Fifteen minutes is not a lot of time to address issues that are as difficult and complex as this.

Honourable senators, the terrible thing about today is that the sponsor of the bill was denied the opportunity to put questions directly to Senator Murray and to be able to get an answer. God knows, I know that Senator Murray has the competence to answer all of those questions with great skill and vigour.

Honourable senators, there is no practice here; there is no house order. This is all a lot of nonsense. These are not conventions. Conventions govern the relations of power between Her Majesty and us. It is a different kettle of fish altogether. We are not talking about a convention, and it is irresponsible to make such spurious and specious statements.

Honourable senators, I thought that I could ask the house for an extension — he had asked for an extension; that is the matter I thought I was addressing.

Honourable senators, I watch what this government is doing to the system, and we should bow our head in prayer.

The Hon. the Speaker: I wish to thank all honourable senators for their contributions to this matter, which I will take under advisement and issue a ruling.

• (1650)

KELOWNA ACCORD IMPLEMENTATION BILL

SECOND READING—DEBATE ADJOURNED

Hon. Larry W. Campbell moved second reading of Bill C-292, to implement the Kelowna Accord.—(*Honourable Senator Tardif*)

He said: Honourable senators, it is my pleasure to introduce Bill C-292 at second reading. This bill calls for the immediate implementation of the Kelowna accord and requires that the Minister of Indian Affairs and Northern Development prepare a report reviewing the progress made by the Government of Canada in fulfilling its obligations under the accord.

I would like to begin by thanking Senator Lovelace Nicholas for the comments she made on March 22, 2007, in this chamber, where she outlined the desperation and disappointment that is felt throughout the Aboriginal community.

I am also deeply saddened by the shameful lack of funding in the minority Conservative government's 2007 Budget. If the moral test of any society is how it treats its most vulnerable members, then we are failing. I call on all honourable senators and all Canadians to raise the moral character of this government and this country by insisting that this Conservative government honour our commitment to the Kelowna accord.

Bill C-292 will act as a call to action. Bill C-292 is not "a statement," as Minister Prentice called it. Bill C-292 is a clear indication to all current and future governments to fulfil a moral imperative and to pull the Aboriginal population of this country out of poverty.

No one should forget that what we are dealing with here is a situation of Third World living conditions in a First World country. The United Nations Human Development Index ranks First Nations communities sixty-eighth among 174 nations. Canada has dropped from first to sixth place due, in part, to the housing and health conditions in First Nations communities.

Honourable senators, let me take a few minutes to outline some statistics that demonstrate the dire situation in which our Aboriginal populations find themselves.

The on-reserve housing shortage is currently estimated at 20,000-35,000 units and is growing by 2,200 units per year. Off-reserve, the core housing need is 76 per cent higher among Aboriginals than among non-Aboriginals. In the North, the core housing need is 130 per cent higher among Aboriginals than among non-Aboriginals.

The unemployment rate among Aboriginals is 19.1 per cent compared to a national rate of 7.4 per cent. On reserve, the rate of unemployment is 26.6 per cent, which is 3.5 times higher than the national average. The median employment income for Aboriginals is \$16,000 compared to \$25,000 for non-Aboriginal Canadians.

Incidents of child mortality in Aboriginal communities is almost 20 per cent higher than it is in the rest of Canada. Aboriginals are three more times likely to have type 2 diabetes. Suicide rates are anywhere from three to 11 times more frequent, in particular among the Inuit.

About 44 per cent of Aboriginal people aged 20 to 24 have less than a high school education compared to 19 per cent for the rest of Canada. At the post-secondary education level, 23 per cent of Aboriginal people aged 18 to 29 have completed a post-secondary education degree compared to 43 per cent in the rest of Canada.

Honourable senators, these statistics are completely unacceptable in a country with such vast wealth and resources. What is our plan to address this tragedy?

The minority Conservative government will claim that they will solve the problems through increased funding. Their plan includes a supposed \$3.7 billion for targeted investments. Let us forget for a moment that this \$3.7 billion includes \$2.2 billion in funding for legal obligations and programs contained in the Residential Schools Settlement Agreement and the fact that Minister Prentice includes as new money \$600 million for Aboriginal and northern housing — commitments made by the previous Parliament's in Bill C-48 that he, honourable senators, subsequently voted against.

Let us also forget the fact that we regularly hear from the minister about how his government spends \$9 billion annually, although, once again, that money gets trickled down through various levels of government leaving little for the Aboriginal population. The minister knows full well that these monetary figures are irrelevant and will not close the gap between Aboriginals and non-Aboriginal Canadians. He has said so himself:

So it may not just be a question of more money. It may be a question of ensuring we are getting the appropriate results from the appropriate effort.

If money alone were the solution to poverty, then judging by the amount of money spent worldwide on the elimination of poverty, there would not be a single poor person left in the world. We have thrown good money after bad for far too long. This government's actions are not getting the job done and not getting the appropriate results from the appropriate effort.

Honourable senators, the Kelowna accord is not another handout, but rather a plan that has been specifically designed to work with tested institutions and make them accountable to each other and to the Aboriginal populations that will be the beneficiaries.

The Kelowna accord is a first step in alleviating the major problems that are faced in Aboriginal communities throughout Canada. The First Ministers and Aboriginal Leaders Conference in Kelowna committed to strengthening the relationships between Aboriginal people and federal, provincial and territorial governments, and to building mutual respect and trust, combined with a 10-year commitment to finding solutions to address the serious conditions that contribute to poverty.

As honourable senators will remember, the round table discussions were open to 1,000 invitees, including the Assembly of First Nations, the Inuit Tapiriit Kanatami, the Metis National Council, the Native Women's Association of Canada and the Congress of Aboriginal Peoples. In addition, members of federal, provincial and territorial governments came together and, through hard work and an intense 18 months of negotiations, hammered out and committed to a set of concrete benchmarks. The accord was subsequently endorsed on public television by all 10 provincial premiers.

It is insulting, callous and ignorant to imply that the Kelowna accord was simply a press release or a concept drawn up on the back of a napkin. To do so negates all the hard work and effort that our public servants, Aboriginal groups and various levels of government dedicated to this endeavour.

The individuals who met in Kelowna understood the need to bring all groups and agencies together to accomplish a common goal. The programs would never again be designed outside of the Aboriginal communities and then imposed upon them; rather, they would be community-made and community-based.

Just one of the many initiatives that came out of Kelowna was the pledge of \$90 million to assist national and regional Aboriginal organizations in handling their core capacity to work with government in policy development and other initiatives. Due to the Conservative government's shortsightedness, the money was never delivered. Without the skilled knowledge base entrenched in the local communities, how do we ever expect to resolve the issues of dependence?

In the other place, the Liberal member from Nunavut, Nancy Karetak-Lindell, summed it up perfectly by saying:

The recent history of this country has made it very difficult for people in the communities to practise their own ways of governing, their own ways of reconciling differences, their own ways of educating their people, which really are not very different from those of the rest of the country. It is just that we have learned to look at

things through a different lens. We all have the same end goals, but the way to achieve those end goals can differ from one part of the country to another, or from one cultural group to another. As I said, the end goals are the same, and they are to provide a good future for our children and to take advantage of this country's resources, which every Canadian should be able to access. How we reach those goals can be different.

It is shameful that the Conservative government insists on unilaterally dictating to others rather than on providing people with the skills to make informed choices and to take control of their future.

In a shining example of decency and honour, I am delighted that my own Province of British Columbia has taken it upon itself, after being abandoned by the federal government, to provide concrete steps to achieving the aims set out in the Kelowna accord. The First Nations leadership from British Columbia, former Prime Minister Martin and Premier Gordon Campbell signed, in good faith, the agreement called the Transformative Change Accord, which included stakeholders from the Government of British Columbia, the Government of Canada and the leadership council representing the First Nations of B.C.

This agreement was the kind of responsible leadership that Canadians want to see from government. It included social, environmental, fiscal and economic goals. People recognized that what happened in Kelowna was a framework that would allow people to move forward. It was a commitment on the part of the Liberal government and the First Nations peoples, and they fully expected future governments to honour that commitment. Unfortunately, this commitment cannot be sustained and cannot have the desired outcomes without ongoing support from the federal government and all stakeholders.

• (1700)

The idea behind the Kelowna accord is to create an interdepartmental, multi-stakeholder agreement that would foster trust and respect. We find ourselves today with a system riddled with conflict. We simply cannot allow this cyclical relationship between poverty, dependence and frustration to continue.

What has become abundantly clear, more so now with new Statistics Canada information, is the fact that Aboriginal Canadians represent the largest segment of our youth, and they represent the fastest growing segment of our population. In a First World country such as ours, it is criminal to allow another generation to experience the misery and despair that has plagued generations of Aboriginal populations. The younger generation will not be as willing to wait for piecemeal solutions from government. We will continue to see more conflicts such as Oka, Ipperwash and Caledonia.

As we found out yesterday, the only people who seem to be holding talks with Aboriginal people in Caledonia and seriously addressing Aboriginal needs are the housing developers. Steve Charest, President of King & Benton, yesterday made this statement:

Best I can tell, the federal government's position is it's not their problem . . . I think that's the wrong attitude and my preference would be to see the federal government as part of the solution.

Honourable senators, this government needs to understand that the way to resolving conflict is through mutual, beneficial talks, not another 200 years of neglect.

As outlined in the December 2006 final report of the Standing Senate Committee on Aboriginal Peoples entitled *Negotiation or Confrontation: It's Canada's Choice*, the government needs to recognize that the principles of fairness, inclusion, dialogue and recognition of regional differences be used as guidelines for creating any successful Aboriginal development strategy.

Here it is, honourable senators, an accord that follows all the guidelines that we deem necessary to resolving these kinds of issues. Let us not fail to act out of lack of will.

Let me draw to your attention another issue that has been front and centre in the media and a supposed concern for the Conservative government, the lack of action on unsafe water.

In Kashechewan, Ontario, the Aboriginal community deals almost annually with the flooding of the Albany River onto their reserve, leading to undrinkable water, mouldy housing, disease and a population with little hope for the future. What is the government's reaction? Instead of listening to the community and their wish to be relocated to higher ground, they hired Alan Pope, a resident of Timmins, Ontario, who wants to move them to, you guessed it, Timmins.

The idea of actually allowing people to have a say in their future and then provide support in the form of training to run water purification systems or participate in the rebuilding effort is foreign to a government that likes simple take-it-or-leave-it answers.

Not to be forgotten, as of March 16, 2007, there were 92 First Nations communities across Canada under drinking water advisories. In my province of British Columbia, the Kwicksutaineuk First Nations community on Gifford Island, off the northern tip of Vancouver Island, has been struggling with the problems of undrinkable water for almost 10 years.

Will we move all these communities to major centres? We need sustainable long-term approaches and communities that have the education and capacity to weigh all available options and create, with help from various levels of government, mutually beneficial solutions.

The resources contained in the Kelowna accord will allow native communities to train community policy leaders so they can shape their future so that government does not need to hire outside contractors like Alan Pope to find short-term fixes to long-term problems. The times of dictating unilateral decisions are over. Let us stop pretending that Ottawa always knows best and start addressing the concerns of the people on the ground.

Honourable senators, there has been a lot of talk from the government about how Bill C-292 does not contain clear, precise and detailed policy descriptions. The Conservative government,

in a dishonest campaign of misinformation, has claimed that Bill C-292 will not oblige them to act. The legislation clearly states that the Government of Canada shall immediately take all measures necessary to implement the terms of the accord known as the Kelowna accord.

Within the accord there are six pillars: health, lifelong learning, housing, economic opportunities, negotiations and land claims. All of these have a specific level of funding and concrete goals.

I remind honourable senators that the \$5.1 billion earmarked for Kelowna will be spread over a 10-year period and would go toward the education, health, housing and economic opportunities for Aboriginal peoples. This is not a windfall, as some have suggested, for Aboriginal communities. This is a necessity.

Let me clear up once and for all one final untruth perpetrated by this government about the funding for Kelowna. As has been confirmed by officials in the Department of Finance and senators within this place, the money for the Kelowna accord was designated in the fiscal update presented by the former Prime Minister. The money was designated as a line item in the sources and uses table. Kelowna had dedicated funding and would have gone ahead if the current Prime Minister and Minister of Finance had not cancelled the program.

I hope, honourable senators, that you can join with me and, I believe, the vast majority of Canadians who want to see an end to the poverty that has plagued our Aboriginal populations and the shame that we must all feel for contributing to the grief and pain that they have undergone. Please do what this government refuses to do and help our Aboriginal peoples by studying and passing Bill C-292 as quickly as possible, which will put us on the road to mutual respect, accountability and shared responsibility.

Hon. Gerry St. Germain: Will the honourable senator take a question?

Senator Campbell: Certainly.

Senator St. Germain: I worked with Senator Campbell on many of the issues that he makes reference to and that are in the accord. What surprises me is how he can perform in such a non-partisan manner and with the degree of excellence that he brings to the committee and then make a speech like this and cite the Conservative government so negatively. However, this is the world of Ottawa and the world of politics.

Senator Cordy: Look in the mirror.

Senator St. Germain: I do not think any of us can look in the mirror on this issue, none of us, because we have all sat back and not done the right thing. Had we done the right thing, we would not be here now.

I have been a senator in this place for close to 14 years and have listened to one Speech from the Throne after another. I will not say that the administration before the Chrétien administration did everything right, either. I do not think we have done this right.

We should not stand up in this place and be critical of each other. I think what we should be trying to do is build the bridges that will bring the Aboriginal people over to us.

I still think that this is a money bill. Senator Murray spoke earlier in regard to Bill C-288, the Kyoto bill. He said the power of the purse rests with the executive in a cabinet government.

Could the Honourable Senator Campbell explain to me how this is not a money bill and does not require the purse of the government to effect this accord?

Senator Campbell: I thank the honourable senator for his question.

I have to agree that I do not think any of us, no matter what our political stripe, can honestly look in the mirror. I am simply saying that this accord gave us a framework to move forward and was probably the first time we ever saw an agreement between the federal government, 10 provincial premiers and the First Nations. I checked into it, and it was a totally non-partisan agreement. I would invite the honourable senator to talk to Conservative premiers, such as Premier Danny Williams.

I agree with the honourable senator that none of us can be proud of this, which has gone on in excess of 200 years.

• (1710)

I do not know how to answer the honourable senator's question about the money bill. I have sat here and listened to the Leader of the Government in the Senate repeat, time after time, that there was no money; there was no commitment; there was nothing in there. The honourable senator has a perfect point. It is up to the government to implement this initiative. I do not know how they will do it. They can do it within the framework of the monies they already have, I do not care. I cannot answer whether or not it is a money bill. On the one hand we hear denials, and on the other hand we know it is in the budget.

I am simply saying that this is a framework that was agreed upon by everyone and it was a way of moving forward. I agree with the honourable senator that we should be moving forward. Any time we can get everyone on the same page, we should take advantage of it. In this case, we did not.

I have to be honest with the honourable senator: I do not understand why we did not. It was there and it was ready to go.

Senator St. Germain: Honourable senators, in our travels with regard to the studies that we have done on specific claims and economic development, we have heard continually that DIAND, as a department, does not function to serve the constituency it was designed to serve.

An Hon. Senator: What is perfect?

Senator St. Germain: Nothing is perfect. Senator Stratton says that Liberals are perfect. I will agree with Senator Smith: nothing is perfect, but some things are more imperfect than others, and this is one of the most imperfect departments in government. Native group after native group, leader after leader, elder after elder have told us it does not work. Yet, this accord that the honourable senator speaks of that should be initiated was to be administered by that very inept organization. We have heard time and time again — some of the senators from the committee are

here — that it is time we started devolving this particular department and work towards serving the constituency it is supposed to serve.

I ask the honourable senator: What is his reaction to that? Say the funding was \$5.2 billion over ten years, as he says — I thought it was over five years; \$5.2 billion over 10 years is even worse — how do we resolve this situation if this paternalistic, social welfare organization continues to patronize and operates in a paternalistic manner over the constituency of people who need help?

Senator Campbell: I thank the honourable senator for his question. He knows very well that I am not a fan of DIAND. My answer to the honourable senator is: We know what DIAND is about. Go to the Prime Minister, have him put this accord in place and have whoever he wants to oversee it. I do not care. Have it put into effect in some way that the money goes directly to the First Nations and does not get siphoned off by bureaucracies and by agents who are trying to move a whole city to Timmins. I agree with the honourable senator: That is his problem. They are the government. We are telling you that you need to put it into place.

Hon. Roméo Antonius Dallaire: The honourable senator spoke of conflict. I will give a very short history. I was in command in 1990 around Oka, and commanded in the province of Quebec when Hydro Quebec was trying to flood half of the province and the Cree in particular were up in arms, and saw the vulnerability of our internal security, particularly the vulnerability of our infrastructure, let alone human security.

The First Nations, the Aboriginals, numbering about a million, are in more than 600 locations in the country. If they ever coalesce, they could bring this country to a standstill in no time flat, for there is no capability that we have to stop it.

How is it that we have not seen the rage in that community express itself in the nature of a conflict? What is holding them back, and how long will it be held back before we face a totally different scenario that will cost many more billions of dollars than \$5.1 billion over ten years?

Senator Campbell: I thank the honourable senator for his question. I am not an expert in this field, but I can tell honourable senators two things: First, I believe that cooler heads prevail. I truly believe that the Aboriginal way is negotiation, and that their first step is not confrontation. In these places that I talked about — Caledonia, Oka, Ipperwash — the people were pushed right to the edge. Like the honourable senator, I was in the military and I saw Ipperwash from the inside as a cadet and instructor. I saw the Kettle Point reserve and I was appalled. I came from Brantford, where we had the Six Nations, a confederacy of people who made good money; it was like Brantford. I was appalled at what I saw. In all of these places where we see conflicts, the people have been pushed past the breaking point.

The second thing I would say to honourable senators is that the young generation now is better educated and better understands how to deal with us without going to a barricade. They know how to use courts and public opinion, and they are on the side of right. That is what people do not understand. They are on the side of right at Oka, Caledonia and Ipperwash. We took their land and we told them to go and take a powder. They were pushed to that

point because there were no negotiations on how it should all come together. That is why I believe we are not seeing a coalescing.

The last reason is this: These are nations. It is like suggesting that all of Europe would get together to take on North America. They are nations. Each and every one of them has different customs, different traditions, different religious ideas, different needs and economics. We must stop thinking of them as one group. They are all nations.

Senator Dallaire: I have seen that scenario played out in other places, where cultures were non-confrontational to start with but have been pushed that way. I have also seen the White part of this country become exceptionally aggressive when their backyard all of a sudden gets wrapped up in a conflict that turns nasty. I have seen White Canadians prepared to kill Aboriginals in Oka if they had had the chance, but the only problem was that they did not have the weapons to do it.

I return to the honourable senator with the following question: Do we see a movement toward activism on the part of the Aboriginal community or, the most perverse option, on the part of the White community towards the Aboriginals in bringing about these solutions?

Senator Campbell: Again, I am not an expert on this area. I do not know at what point that happens. However, I think that in certain places in Canada, there is a feeling amongst the Caucasian community, for want of a better word, that we are giving things away, and that we have gone too far. There is a sense that we own the land and that it is ours.

This is not a topic that gets one votes. This is not a topic where you support Aboriginal people and you watch your vote tally go up. It does not do that. This is a topic that goes to the very essence of who we are, what we are and where we are going.

I can tell honourable senators, as a coroner, I have done an inquest into suicides in the North, in Hall Beach and Igloolik. I did the inquest of the suicide of a young woman from Resolute Bay, and I found out that the people of Resolute Bay were moved there by the Canadian government and left. People in their communities died. It is about us, about who we are as a nation. We cannot go to the rest of the world and say:

Shame on you.

We cannot go to these other places and say:

You have to clean up your act.

We cannot do this until we clean up our act first. That is where we are.

• (1720)

Hon. David Tkachuk: I have the same problems with this bill as I have with the private member's bill on Kyoto. I have also seen over the years massive amounts of money being spent on many programs initiated by government. We have been providing social housing on Indian reserves for a long, long time, but we still have serious housing problems on reserves.

Honourable senators, let us say hypothetically that this bill passes and the government is forced to implement a program that is not part of our election platform, or part of what we want to do today. Instead, we want to do it in a different way. Let us say we do that, and five years from now the same conditions exist; the same problems exist as they have existed for the last 30 years. All of those things still exist. Who is responsible?

Senator Campbell: I suppose we are responsible because ultimately we are the ones passing the bill and asking the government to do this. I do not understand from the point of view of government what the difficulty is here. I agree with the honourable senator that we have been spending money hand over fist, but the money never trickles down to where it is supposed to be. By the time we go through 14 deputies and 14 assistant deputies, and so on and so forth, by the time the money gets down there, nothing gets there.

I think all we are simply saying is that there is a framework here that everyone has agreed to it. Forget that the Liberals were into it. Getting ten premiers and all of the First Nations across Canada to sit down together is a good idea. We can make it work and we can measure it. There are places where we can look at it and see that it is being done. That, in and of itself, is a miracle.

Then you fill in the federal government and I think you truly have an amazing document. Maybe some of my words were too strong. This idea was just made up, 18 months before it was signed. There was the first meeting here in Ottawa with 1,000 people. It continued on. It did not just show up one day. Was it signed just before the election? Yes. Could that have had something to do with it? I do not know. Maybe it could. At the end of the day, I truly believe this idea will work. Perhaps the Conservative government can actually say: "DIAND has outlived its usefulness, and there should be a new way to proceed, involving governments and First Nations." This would ensure that any money that any government puts out gets to the people, for housing, for education and for economics.

On the committee, we heard about the economics of this system. It is a framework that needs to be put in place. The Conservative government already has programs that they promised that fit right in with this framework. I would suggest that this is an opportunity not to remake the world, since there is a framework that is ready to go.

On motion of Senator Stratton, debate adjourned.

AGING

INTERIM REPORT OF SPECIAL COMMITTEE— DEBATE CONCLUDED

The Senate proceeded to consideration of the second report (interim) of the Special Senate Committee on Aging entitled: *Embracing the Challenge of Aging*, which was tabled in the Senate on March 1, 2007.

Hon. Sharon Carstairs: Honourable senators, I know it is late in the day and I will try to be as quick as I can. Prior to making my remarks on the Aging Report, I must digress to say that I take the liberty this afternoon of embarrassing one of our pages who was introduced to us this afternoon. I do not normally like to do such a thing, but this embarrassment is a result of my pride.

Earlier this afternoon, you introduced a page from the House of Commons by the name of Sarah Forsyth. Sarah is the daughter of Barbara Brackett and Peter Forsyth. Barbara is my niece, and that makes Sarah Forsyth my great-niece. She is the granddaughter of my sister Catherine, unfortunately deceased, and Patrick Brackett. She is the great-granddaughter of my parents, the late Honourable Harold Connelly, a former member of this chamber, and Vivian Connelly. She is continuing, I would suggest, a family tradition on the floor of the Senate following my father, her great-grandfather, me, her great-aunt, and now Sarah.

It was a particularly special moment for me this afternoon when she was introduced.

Honourable senators, the population of Canada is projected to increase from 32.3 million in 2005 to approximately 39 million in 2031 and 42.5 million in 2056. The declining fertility rate and increased life expectancy are leading to an increasing proportion of elderly among the Canadian population. The proportion of persons aged 65 or over was 8 per cent in 1971. It is 13 per cent today and it is projected that by 2031, about one in four Canadians, 25 per cent of the population, will be 65 years of age or over. The proportion of the oldest seniors, 80 years of age or over, is also projected to increase sharply. By 2056, an estimated one out of ten Canadians will be 80 years or over, compared with about 1 in 30 today.

This impending reality presents a wide variety of complex issues for our country, and more particularly for the seniors and our aging population, ranging from financial security and retirement to housing and transportation issues, to chronic diseases and health care needs. It is important that we review public programs and services for seniors. This would include the gaps that exist in meeting the needs of seniors and the implications for future service delivery as the population ages to determine if we are providing the right programs and services at the right time to the individuals who need them. That is what the Special Senate Committee on Aging has been mandated to study, and it is my pleasure today to rise to begin consideration of its first interim report entitled *Embracing the Challenge of Aging*.

As I mentioned when I tabled this report, the report has been prepared according to the Canadian National Institute of the Blind's guidelines for documents to be accessible to the visually impaired. This means that the font is slightly larger, italics were avoided and the layout is designed to make it easier for someone with a visual impairment to read. I hope this will make the document more accessible to seniors and others who have an interest in this topic.

Honourable senators, to fulfill its ambitious mandate, the committee opted to divide its study into two phases: a brief overview of key issues related to aging in order to identify key questions to guide the study, followed by a second phase of hearings where the committee would explore the questions identified in phase one in more depth.

The committee began the first phase of its study last fall by holding five panels with leading experts, seniors' organizations and representatives of relevant federal government departments and agencies. These panels served to open the door to new questions, new ways of looking at things, and to challenging some of the commonly held beliefs about aging.

• (1730)

This interim report marks the end of the first phase of the study. The report itself is comprised of two parts. Part 1 outlines the key questions organized into four broad themes that the committee will study in the next phase, which has already begun.

Part 2 of this report provides a summary of evidence the committee heard in the first phase of its study. It examines the demographic profile of seniors in Canada today and highlights how that picture is likely to change in the future. The report raises questions about the diversity within the aging population and how that affects the need of those population bases. Finally, it identifies key questions and issues that were consistently discussed by witnesses in phase one: Active participation of seniors in society and in the economy, seniors at risk, health promotion, prevention and care for the aging, and the range of support services to seniors such as housing and transportation.

Based on this evidence that the committee heard in this first phase of the study, it developed a path forward for the next phase. Part 1 of the report outlines this path forward as it summarizes the four broad themes around which the committee organized its work. These four themes are: defining seniors, the diversity of seniors and their needs, defining a policy approach, and determining the role of the federal government.

The first theme, defining seniors, centres around the question of whether the age of 65 should be used as a determinant for the age of eligibility for retirement programs. In some countries this age is being adjusted to respond to a variety of pressures.

In this next phase of the study, the committee will examine whether the age threshold set in the 1960s still reflects the economic and social realities of old age today. At the same time, it is mindful that the move from age-based criteria would entail complex policy decisions such as evaluating job-related competencies.

The second theme is the diversity of seniors. Like the broader Canadian population, the growing segment of the elderly population represents tremendous diversity in terms of age, gender, ethnocultural background and the regional differences and settings — urban or rural — in which they live. Canadians over the age of 65 are not a homogenous group with identical needs.

One of the witnesses, Douglas Durst, talked about thinking about seniors in three broad age categories: the young-old, who are 65 to 75, newly retired, healthy and fit; the middle-old, who are 75 to 85 and are slowing down; and the frail-old, who are 85 and older and have special physical and social needs. Each of these broad age categories have their own unique set of needs. Furthermore, certain aspects of the population, such as Aboriginal seniors, have much different life expectancies and, therefore, different associated needs.

Finally, the aging of the population does not occur evenly across the country, in part due to migration within the country. The regional imbalance in aging has important implications for labour market planning and the distribution of aging-related costs. In this next phase, the committee will examine how

programs, policies and services can be designed to meet the needs of diverse senior populations across Canada.

The third theme centres on the policy approaches to aging. The committee has heard of a number of frameworks that can be used to orient and coordinate policies, including the life course perspective, healthy aging and active aging. For instance, predictions of an age quake have gripped the collective consciousness, warning of an impending inability to maintain current levels of public support to health and income and of impending labour shortages.

The committee has heard evidence to the contrary, however. While the retirement of the baby boom generation will likely have important consequences for the labour market, several witnesses reassured the committee that their retirement will not necessarily lead to a reduction in the standard of living, and the sustainability of government programs is not really in doubt. However, it may well lead to encouraging phased-in retirements designed to keep workers in the workforce longer.

A life course approach to aging considers important life transitions such as education, family formation and retirement to find policies that facilitate these transitions through programs such as parental leave, lifelong learning and phased-in retirement.

Furthermore, the committee has heard that the health of seniors is intricately linked to experiences throughout their lives. Several witnesses reminded the committee that aging is a lifelong process and that health in the senior years hinges on supportive environments throughout life as well as during the senior phases of life. As one witness said, healthy aging does not start at age 65; it starts the day one is born. The chronic condition does not start when one turns 65; it has its roots in the 30s and 40s.

In this next phase of the study, the committee will examine the challenge of moving toward a policy framework that could more adequately spread productive work over the full course of life. The committee will also examine the determinants of health over the life course that contribute to seniors' health or to situations of risk for seniors. The committee will want to determine the advantages and limitations of each of these two approaches; to what extent are they already being used by the federal government and whether they should be used more extensively.

The final theme revolves around determining the federal government role in programs and services for our aging population. The responsibilities for programs and services for seniors rest at the federal, provincial, territorial and municipal levels. Several departments are responsible for various issues and must work together at the federal-provincial-territorial level to address seniors' issues for all Canadians.

At the federal level, although Human Resources and Social Development Canada has overall responsibility for seniors, several departments administer programs aimed directly at seniors.

In this next phase of the study, the committee will examine the direct and indirect roles of the federal government. It will study questions such as: What policy and program initiatives can and should the federal government take independently, and what should be done in partnership with provinces and territories? What should the federal government's priorities be? Is there a

coherent approach within the federal government to address the challenges and opportunities of an aging population? What are some of the policy levers available to the federal government to minimize the potentially negative impacts of an aging population? How well are federal programs and services for seniors coordinated with provincial and territorial programs? Are there areas that need to be better coordinated?

In conclusion, honourable senators, population aging is a success story and seniors are a rich and vibrant part of our country. At the same time, it is necessary to provide the services and supports that will allow seniors to live with dignity. Your committee views the aging population as an opportunity — an opportunity to rethink how we balance work, family and leisure throughout the life course, and an opportunity to re-examine the way we view and value the experience of seniors. As we continue our work in this next phase of the study, we have before us a great challenge, but one filled with possibility.

The Hon. the Speaker pro tempore: If no other senators wish to speak, the report is considered debated.

STUDY ON INVOLVEMENT OF ABORIGINAL COMMUNITIES AND BUSINESSES IN ECONOMIC DEVELOPMENT ACTIVITIES

REPORT OF ABORIGINAL PEOPLES COMMITTEE AND MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Aboriginal Peoples, entitled: *Sharing Canada's Prosperity—A Hand Up, Not a Handout*, tabled in the Senate on March 20, 2007.—(Honourable Senator St. Germain, P.C.)

Hon. Gerry St. Germain: Honourable senators, I move:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, entitled *Sharing Canada's Prosperity—A Hand Up, Not a Handout*, tabled in the Senate on March 20, 2007, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Indian Affairs being identified as Minister responsible for responding to the report.

• (1740)

Honourable senators, it is with great pleasure that I rise today to speak to the sixth report of the Standing Senate Committee on Aboriginal Peoples entitled *Sharing Canada's Prosperity—A Hand Up, Not A Handout*.

Let me begin by thanking my esteemed colleagues — they are esteemed, and some of them do get steamed, as we just witnessed — who served with me on the Aboriginal Peoples Committee. I want to acknowledge their hard work, unwavering dedication and commitment to this issue. I am speaking of my deputy chair, Senator Sibbeston, and Senators Campbell, Dyck, Gill, Gustafson, Hubley, Lovelace Nicholas, Peterson, Segal and

Watt. These very capable senators have worked diligently and very effectively on the committee.

Honourable senators, First Nations, Inuit and Metis people in this country share a common commitment to addressing the economic challenges facing their communities. There is a growing awareness in Aboriginal communities that economic development is fundamental to addressing the social disparities that many experience. Senators, time and again we were told that “there can be no social justice without economic justice.”

Economic development is fundamental to raising the standard of living for Aboriginal people in Canada and in reducing dependence on social assistance. Despite the importance of economic development to Aboriginal well-being, only a small fraction of federal spending on Aboriginal programs is targeted to this area. For instance, in the Kelowna accord, there was less than 4 per cent. If social conditions are to improve, it is time for governments to stop treating Aboriginal economic development programs as discretionary and for the federal government to make meaningful investments in Aboriginal economic development.

Honourable senators, historically, Aboriginal peoples were shunted aside to pave the way for European settlement and development. Separated from mainstream economies and unable to develop their own, the result was and is a significant economic gap between Aboriginal people and the Canadian population generally. Despite considerable efforts by successive governments to improve the social and economic conditions of Aboriginal people, many continue to lag behind the rest of the Canadian population when measured against nearly every social and economic indicator. Aboriginal leaders told us that high unemployment rates, lower income levels and elevated rates of dependency on federal transfers are no longer tenable conditions.

Rejecting the status quo, Aboriginal people are demanding and expect change. Past and current approaches to improving the economic and social well-being of Aboriginal people have not met with great success. The almost exclusive emphasis on social programs and spending by federal government is, for many, misguided.

Increasingly, Aboriginal people view economic development as fundamental to reshaping their social outcomes and are asking that this area be afforded much greater priority.

The committee believes that assisting Aboriginal communities to build their economies and position themselves to take advantage of economic opportunities is critical to addressing existing social problems. Equally important for many Aboriginal people and communities, economic development is critical to nation building, self-reliance and autonomy. Piecemeal efforts by governments and sporadic investments in economic development, however, are not enough to bring about meaningful change.

This report attempts to shed light on what new approaches are needed to affect that change. We argue that the current federal imbalance of spending weighted heavily towards social programs must be addressed. Meaningful, long-term strategic investments in Aboriginal economic development, both on and off reserve — and the off-reserve aspect is critical — are fundamental if the full promise of economic renewal is to be realized.

Aboriginal communities, individuals and businesses are committed to laying the foundations for their economic self-reliance. Despite considerable obstacles, many are doing so successfully. Economic development is being framed in such a way that it is respectful of community values, practices and cultures. Preserving traditions and cultures is being reconciled with the world of business and the modern economy. This is economic development "on their own terms," and it is showing great promise.

Communities such as the Millbrook First Nation in Nova Scotia or the Squamish First Nation on the far West Coast take advantage of their strategic locations to develop a range of commercial and real estate enterprises. Communities such as the Whitecap Dakota First Nation in Saskatchewan are developing key partnerships and establishing profitable business ventures such as golf courses and resorts. Others, like the Tlicho in the Northwest Territories, are taking advantage of large-scale resource developments, such as diamond mining, and are negotiating impact and benefit agreements from large developers. Across the country, Aboriginal people, businesses and communities are taking their place in the national and global economy.

Through innovation, imagination and an unwavering entrepreneurial spirit, Aboriginal people are contributing not only to the well-being and the economic futures of their communities but to national prosperity as well. They are ready to contribute more and do even better.

I would like to thank Senator Sibbeston, who had the vision and foresight to request that we conduct this study as a committee. He led the charge. We worked with him. I see Senator Campbell here. Senator Watt was here earlier. I see Senators Hubley, Gustafson and Segal, but Senator Sibbeston provided the leadership.

As I pointed out earlier, from the residential school to the premier of the Northwest Territories, I do not care if you are Liberal until you die, Senator Sibbeston. You are a good man and you have done good work. I was honoured to continue this study as chair following the change of government, and I think that we have a bright future if we continue to work with an open, non-partisan mind.

Hon. Nick G. Sibbeston: Honourable senators, I recognize it is late in the day so I will not say very much, but a lot has been said about Aboriginal people, the difficulties they encounter and the need for our country to put forward more resources so that Aboriginal people can rise and we can lessen the gap.

When the committee went out to the communities to study Aboriginal business, we saw zeal, enthusiasm, energy, pride and hope. This is why the matter of economic development for Aboriginal people is so significant. Business opportunities are the way that Aboriginal people can get up on their feet and contribute to Canada in a meaningful way.

I have had the good fortune in my life of seeing the transition of Aboriginal people from the traditional way of life. My ancestors were hunters and trappers. When I grew up, Aboriginal people did not have anything. No one owned a vehicle in my hometown. All they had was their equipment to go out on the land — dog

teams, sleds, guns, snowshoes and canoes. As I became older, beginning in the 1980s and 1990s, Aboriginal people began to own things. We began to see a real change in the Northwest Territories. Aboriginal people were making the transition from a traditional way of life to a wage economy, and then to owning businesses.

In the North, this transformation has happened in part because of land claims. I give credit to the government because, beginning in 1984, they began negotiating land claims in the North with the Inuvialuit up in the Beaufort Sea area, and the Inuvialuit got their land claim. Over years of payments years, they received \$60 million. Today, Inuvialuit companies are members of the Fortune 500 group of companies. They have been so successful and have done so well that their assets are now in the area of \$1 billion. They have been very successful in turning capital, along with their ownership and access to lands in the North, to good use. They have made the transition.

• (1750)

Other Aboriginal people, the Dogrib for example, have been very successful in engaging in the diamond mines. They are also stressing education. A few years ago, they had a dozen people in university and training schools in the south and now they have over 200. They are using their access and benefits money to supplement their income so that people from their area can go to school in a comfortable way. They stress education. They have partnerships and businesses with the diamond mines and I think they are on to a very good future, all because of business.

Why does the government not recognize that it can help Aboriginal people in business? It is like a rolling snowball. It is not a situation where they would have to eternally give them money. The government could give money once and the Aboriginal people would use this money to be successful. That is what we want the government to do.

We wanted to contribute something to Canadian society, both the governments and Aboriginal people, when we began looking at involvement in business. We wanted to know why some Aboriginal people succeeded while others were having a very difficult time. We did look at this aspect.

A study was done at Harvard on Aboriginal businesses. Professor Cornell, for one, looked at this whole issue in the United States. He tried to find out why certain Aboriginal people in the States were succeeding while others were not. One of the things he discovered, and saw offhand, was the matter of governance. Those First Nations that had good governance, obvious rules for their conduct and their dealings with business, were the ones that were successful. There were other elements, too, such as leadership and location.

This report deals with that aspect. We have been able to identify the factors that lead to Aboriginal success. We list them here on page nine in the executive summary.

Canadians should know that Aboriginal people are getting into business and are beginning to succeed. There are areas where this is happening. Unfortunately, there are places where this is not happening, particularly in the remoter parts of our country, where people oftentimes are mired down in social problems. Some communities have a hard time. It is these areas, as well as others,

where native people are still struggling and need the help and focus of governments to provide monies and start-up funds so that they can get on their economic feet.

Unfortunately, inasmuch as this is an important area, the money available for economic development programs has actually been shrinking, to the point where it is now only 8 per cent of the \$9 billion or so that the government is allotting to Aboriginal people.

I will not say much more. Last week, my colleague Senator St. Germain and I had an opportunity to go out West. We found it was hard to get publicity and news here in Ottawa about our report so we went to Winnipeg, Calgary and Vancouver. We met with some Aboriginal people but we also met with many news people. As a result of our visits, there have been quite a few news reports. The *Calgary Herald* stated that our report has been able to provide practical and workable ideas for closing the gap between the First Nations communities and the rest of Canada. In Vancouver, *The Province* urged the Prime Minister to get on board with this committee's recommendations.

We hope that this report will be of some substance and use to everyone, governments and Aboriginal people alike, as it is the result of intense effort and very good work by the committee. We went to see people who have been successful and I believe we have the information here that the government and everyone else can use to respond in a positive way to the Aboriginal people in their quest for economic development.

I give this report to you, and I hope that it is accepted and is of use to everyone in our country.

Hon. Roméo Antonious Dallaire: Senator, would you accept a question?

Senator Sibbeston: Yes.

Senator Dallaire: Former Prime Minister Paul Martin has created an NGO to help support young Aboriginals launching new businesses. Is that a trend we are seeing or an exception? Should that not be a trend supported by Canadian industry for Aboriginal youth?

Senator Sibbeston: I am not particularly aware of the NGO that you speak about, but the role of industry is very important. We have instances where industry has become involved in supporting and partnering with Aboriginal business. They have been very successful where they have done that. That is the case in the oilsands, and up in the North with the diamond mines.

The last 10 years has seen the beginning of a social conscience on the part of industry. They are starting to do something and, where possible, engage Aboriginal people where they are side-by-side or where there is an interest. That phenomenon has been occurring and some credit must go to big business, in particular, in helping Aboriginal people get into business. That is a very good thing.

Senator St. Germain: Is it not true, if I recall correctly, that Mr. Morgan, who headed EnCana, created a department within EnCana that not only trained Aboriginal young people, or

Aboriginal people in general, to develop an economy but then set them up in business, which was very successful. Do you recall if that was EnCana?

Senator Sibbeston: I am not aware of that, but I know that EnCana is one of the companies that has a good relationship with Aboriginal people. Wherever possible, they contract with Aboriginal people to the point where Aboriginal people own their own oil rigs and contribute in that way.

The Hon. the Speaker pro tempore: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1800)

[Translation]

BUSINESS OF THE SENATE

The Hon. the Speaker pro tempore: Honourable senators, it is now 6 p.m. Pursuant to rule 13(1), I am obliged to leave the Chair until eight o'clock unless the honourable senators agree not to see the clock.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I move, if honourable senators agree, that we not see the clock.

The Hon. the Speaker pro tempore: Is it agreed, honourable senators, that we not see the clock?

Hon. Senators: Agreed.

[English]

THE SENATE

MOTION TO URGE CONTINUED DIALOGUE BETWEEN PEOPLE'S REPUBLIC OF CHINA AND THE DALAI LAMA—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Andreychuk:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking manner that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.—(*Honourable Senator Cools*)

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, I rise to speak on this motion. I have been looking at my notes and I think that my remarks are more in the nature of a point of order. I think I shall rise, therefore, on a point of order about this motion.

Honourable senators, my point of order is on the form of this motion as a proceeding in Parliament, and not at all on its substance or the substantive issues therein. I wish to be clear that I am not speaking on the merits, the righteousness or the contents of this motion. I am adopting no position on the motion's merits; I am confining myself to its form.

Honourable senators, I assert that the motion is out of order. This motion was moved by Senator Di Nino and it is defective. It is defective because it purports to ask the Senate to communicate and converse directly with the sovereign and sovereign government of another country. The Senate cannot lawfully do this because it does not possess the constitutional power to do so.

Senator Di Nino's motion states in part:

That the Senate urge the Government of the People's Republic of China and the Dalai Lama, notwithstanding their differences on Tibet's historical relationship with China, to continue their dialogue in a forward-looking matter that will lead to pragmatic solutions that respect the Chinese constitutional framework, the territorial integrity of China and fulfill the aspirations of the Tibetan people for a unified and genuinely autonomous Tibet.

The impugned words are "That the Senate urge the Government of the People's Republic of China." These words are in the form of an address to a foreign sovereign. Such a proceeding is not permitted by section 18 of the British North America Act, 1867. The Senate cannot vote on such a motion, and the Speaker should not put such a question because it is defective and improper.

Honourable senators, the BNA Act, 1867, section 18, is the foundation of the law of Parliament of the Senate's rules, practices and usages. Consequentially, all Senate practices are governed and determined by section 18. It grants no power whatsoever to the Senate to address foreign sovereigns: that is, foreign heads of states and their ministries. The Senate can address or communicate only with our own sovereign, Her Majesty, Queen Elizabeth, or her representative, the Governor General. In short, the Senate, like the House of Commons, advises Her Majesty on, and consents to, matters that are of Her Majesty's service to her Canadian subjects. The Senate cannot advise a foreign sovereign on matters of service to the sovereign's people.

Any advice that the Senate wishes to offer pertaining to another sovereign must be offered to Her Majesty, who then communicates with the foreign sovereign. Her Majesty, honourable senators, acts on the Senate advice through the Minister of Foreign Affairs, who is currently Peter MacKay. The Senate is free to express all its views to support and condemn whoever, whatever and whenever it pleases, but in so doing and on matters of foreign policy, the Senate must speak through Canada's sovereign and Canada's ministers.

The Senate cannot directly communicate with or address a foreign sovereign. Neither can the Senate attempt to bind a foreign sovereign. That is the law of the Royal Prerogative of Her Majesty in matters of war, peace, treaties and all foreign relations. It is a most jealous area of the law, not to be slighted by the Senate.

Honourable senators, any urging, imploring, entreating or demanding of a foreign sovereign is the ken and responsibility of the Minister of Foreign Affairs, Peter MacKay. The Senate can only communicate with foreign sovereigns through Her Majesty's ministers. The parliamentary manner of communicating with a sovereign, Her Majesty or Her Majesty's ministers or government is called an address. Erskine May, in his treatise, *The Law, Privileges, Proceedings and Usage of Parliament*, 22nd edition, tells us about the nature of an address. Under the subheading "Communications to the Crown originating in Parliament," at page 606, he said:

An Address to Her Majesty is the form ordinarily employed by both Houses of Parliament for making their desires and opinions known to the Crown.

Continuing at page 607, Erskine May said:

Addresses have comprised every matter of foreign or domestic policy; the administration of justice; the expression of congratulation or condolence; and, in short, representations upon all points connected with the government and welfare of the country;

Honourable senators, there is no similar proceeding to speak to a foreign sovereign. The Senate cannot urge the Chinese president and his government to do anything, however noble and honourable the desired actions may be. It is not open to the Senate to rule the world. The Senate has trouble ruling itself. Urging a foreign government is the ken of the Minister of Foreign Affairs.

Honourable senators, less than one year ago, on June 7, 2006, I raised this very point here in the Senate. Interestingly, at that time it was in a debate on a similar motion by the same senator, Senator Di Nino, about another foreign policy matter, about President Putin, the president of Russia. That motion read:

That the Senate of Canada implore President Vladimir Putin, President of Russia, to use his good office to shed light on the whereabouts of Raoul Wallenberg. . . .

The critical and impugned word was "implore." Senator Di Nino's motion asked the Senate to speak directly with, to petition, the Russian president. On June 7, 2006, I questioned this form of proceeding in this house. I said:

Senator Di Nino is the progenitor of this motion. I am not sure that the Senate of Canada has a way to speak to the President of Russia, as it seems to me that sovereigns speak to sovereigns, in protocol. Perhaps, since Mr. Wallenberg is already a citizen of Canada, the Foreign Affairs Minister might have an interest in advancing the issue himself directly, which would relieve us of being put in the usual position of imploring.

I then continued to press the point that the Senate cannot be a supplicant or a petitioner before a foreign sovereign. I said:

We should really pay attention to these motions. The Senate of Canada cannot be properly in the position of being a supplicant to a head of state of another country. However, because Raoul Wallenberg has already been made an honorary citizen of Canada — I believe a motion went through this particular house to that effect — the motion would be better scripted and would be a lot more full-bodied if we made our appeal to the Minister of Foreign Affairs and to our sovereign to have the dialogue with Mr. Putin, the President of Russia, because we have no way of dialoguing with the president of a foreign state.”

Honourable senators, Senator Di Nino, as did the Senate, took the parliamentary point that I had made regarding the Senate's position and the Senate's constitutional relationship to foreign sovereigns in foreign relations. A few days later, on June 13, 2006, in the Senate, Senator Di Nino said:

Your honour, I am seeking guidance. Senator Cools said that if I were to make what she calls a friendly amendment, she would not have an objection and I could then close the debate on my motion. I am prepared to do that, if that is appropriate. Senator Cools is not here, but she did ask me to make that request.

Senator Di Nino then acted to correct his motion by removing the direct communication or address to the Russian president. He deleted the word “implore” from his motion and converted it from a motion petitioning President Putin to one of offering support for the efforts of the International Raoul Wallenberg Foundation.

• (1810)

Honourable senators, today I raise the same parliamentary point again. I assert that the Senate, as the upper house, cannot procedurally communicate with or address a foreign sovereign — the head of state of China — regarding Tibet or any other question. The Senate cannot lawfully “urge the Government of the People's Republic of China” to do anything. The Senate cannot be a supplicant or petitioner to a foreign sovereign.

Honourable senators, by way of example or illustration, I refer to the action of the House of Commons on their motion to seek the same result. On February 15, 2007, the House adopted its motion on the matter of the Dalai Lama. Interestingly, the House's motion, unlike that of the Senate, was in accord with the lawful and appropriate mode of proceeding. Unlike the Senate, the House's motion does not ask the House of Commons to urge the Chinese government. Rather, it asks the Government of Canada to urge the Chinese government. In short, the motion of the House of Commons urges that Minister MacKay confer with the Government of the Republic of China.

Honourable senators, I would like to put that motion on the record. Toronto's Peggy Nash, Member of Parliament for Parkdale-High Park, moved the motion. Her first attempt failed. In her second and successful attempt, recorded in the *Debates of the House of Commons* on February 15, 2007, Ms. Nash said:

Mr. Speaker, I rise on a point of order. I am seeking unanimous consent for the following motion. I move:

She continued, and these are the words of the motion as carried:

That, in the opinion of the House, the government should: urge the Government of the People's Republic of China . . .

Honourable senators, the House of Commons motion did not speak directly to the President of China or to the Government of China; it spoke directly, in this modern form of address, to the Government of Canada. The House of Commons' motion followed the parliamentary order in respect of no direct communication with foreign sovereigns. I note that there was no debate on the motion in the other place. I am not speaking to the substantive issues in this motion before the house but to the defectiveness and the insufficiency of the motion as it purports to engage the president of a foreign state.

Honourable senators, the propriety and admissibility of this motion is of critical importance. As senators will remember when I spoke to the motion in respect of President Putin, I stated that the Senate cannot be a supplicant to a foreign sovereign. Conversely, a foreign sovereign cannot be a supplicant to the Senate or to the Parliament of Canada. This is about the sovereignty of nations. “Sovereignty” means one sovereign is not a supplicant to another sovereign.

This is especially pertinent because a few days ago I received a letter from the Chinese Ambassador to Canada, His Excellency Lu Shumin, dated March 12, 2007, and received by my office on March 19, 2007. It would seem that he wrote to all senators. He wrote:

Honourable Senator, I am writing to you with regard to a motion currently under discussion in the Senate concerning Tibet tabled by Senator Consiglio Di Nino on February 7. To be frank, I found what is mentioned in the motion are not true to the facts and quite misleading. I wish to tell you the truth about the matter and share some of my thoughts on the subject.

His Excellency's letter continued:

I hope the above-mentioned information will be of some help to you to better understand the Tibet question. I sincerely hope that you do not support the motion so as to avoid harming the friendly relations and co-operation between our two countries. . . .

He signed the letter: Sincerely yours, Lu Shumin, Ambassador of China.

His Excellency has written to senators to challenge and petition in respect of what has been said. This letter reveals why Senator Di Nino's motion is defective. The motion has relegated the President of China and his plenipotentiary, Ambassador Shumin, to a position of supplicant and petitioner to the Senate. This is objectionable and not permissible under parliamentary practice. That this is occurring is shameful and shaming, despite any or all good in the substantive issues that may be contained in the motion. I speak solely to the nature of the proceeding that is

before the house and not to the merits of the substantive issues in the motion, and I steer a wide berth around making a judgment on the rightness or wrongness of the substance of the motion.

Honourable senators, in the course of human events, nations and countries enter into relationships of different kinds. These relationships include the expectations of a certain quality of ministerial and parliamentary deportment toward one another. This is especially true, necessary, and important when countries have disagreements, particularly serious ones, because this expectation of deportment allows sovereigns and sovereign countries to express disagreement while still retaining their relations. This is one reason that the Senate or the House of Commons should not address foreign sovereigns but should address their own sovereign in respect of their views on foreign affairs policies and questions. The Senate is free to adopt any position at any time because it speaks to its own sovereign. I would be shocked if, in another country, similar motions were being passed directly purporting to speak to Canada's Governor General or to Her Majesty.

Honourable senators, I observe to date that neither the position of Foreign Affairs Minister MacKay nor that of the Government of Canada on the China-Tibet question has been placed before the Senate in this debate. In fact, the debate has been remarkably brief and scarce and has provided no information on the government's position and little about Tibet. No member of parliament and no senator may purport to be an alternative or quasi-foreign minister shaping Canada's foreign policy by introducing motions and addresses to foreign sovereigns, and seeking to have those motions affirmed without the Senate hearing from either the minister or from the Chinese government. It is an incontrovertible parliamentary principle that an impugned person or group must be permitted to answer the charges. Further, not to hear from the minister would be disastrous, in particular if the minister or the government holds a different position on the matter than the Senate. Such a position would have the effect of creating a situation of non-confidence in the minister. I have made it my business not to inquire into the minister's position such that I would not attempt to take a position pro or con on the matter of Quebec.

Honourable senators, some months ago many Canadians were concerned about recent exchanges involving Prime Minister Harper and China. I found that many of Mr. Harper's words toward the Chinese president were ill-considered. Many Canadians were worried that relations between the two countries would be damaged. I fail to see how this motion as scripted to speak directly to the Chinese president could be helpful to Canada's relations with China or helpful to achieving the Dalai Lama's dreams, as Senator Di Nino's motion hopes to achieve.

I will repeat that, honourable senators. This motion is not helpful to Canada's relations with China, nor is it helpful to the Dalai Lama.

• (1820)

Honourable senators, undoubtedly Senator Di Nino is well-intentioned and his work springs from his and others' sense of justice. That is worthy. I have no quarrel with or opinion on that at this time. However, this motion is defective and, consequently, His Honour, the Senate Speaker, should declare it

out of order to permit Senator Di Nino to replace it with a better motion that conforms to the law of Parliament and to the notion of the sovereignty of nations.

Honourable senators, I recently told someone that I was planning to speak to this matter, and someone has set upon my desk an article from the *Ottawa Citizen* that was received in my office today, March 27. The article is dated March 23, 2007. It is a letter to the editor from Senator Di Nino. This is the first I have seen this letter. The headline is "China's claim to Tibet is dubious."

As I said before, I am not speaking to the substance, but there is something very wrong in this matter.

The Hon. the Speaker pro tempore: I thank the Honourable Senator Cools very much and refer her to rule 18(3).

I believe that we have heard enough and that she has made her point. She raised the matter as a question of privilege.

Do any other senators wish to speak on this point of order?

Senator Cools: I beg your pardon. I could not hear you.

The Hon. the Speaker pro tempore: I said that, pursuant to rule 18(3), I have determined that I have heard enough to rule on the point of order. I believe you have spoken for more than 20 minutes.

Do any other senators wish to speak on this point of order?

Senator Cools: I would like to finish my sentence.

Hon. Tommy Banks: I believe that Senator Cools has made her point with great clarity — perhaps not concisely, but with great clarity. It seems to me a valid question, particularly with regard to the precedent referred to, and I hope that Your Honour will take it under advisement. Perhaps senators on the other side could suggest to Senator Di Nino that he might begin to prepare an amendment that would make the motion before us consistent with our previous experience and the previous ruling on such a question. Again, I am referring only to the procedure, not to the substance of the debate.

The Hon. the Speaker pro tempore: If no other senators wish to speak on this point of order, I thank Senator Cools for having brought the matter to our attention. We will take it under advisement and give the chamber an answer.

CANADIAN NATIONAL VIMY MEMORIAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial, begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.
—(Honourable Senator Banks)

Hon. Norman K. Atkins: Honourable senators, I rise to speak to the inquiry introduced by Senator Dallaire and to recall an event that happened some 90 years ago.

The historic Battle of Vimy Ridge started at 5:30 on April 9, 1917, and was the greatest and bloodiest Canadian victory during the First World War. The battle brought together four divisions of the Canadian Corps, soldiers from across the country, and was of great strategic importance. At battle's end, over 3,598 Canadian soldiers had made the ultimate sacrifice and another 7,000 had been wounded.

Some of you may already know that I take great pride in the fact that my father, Gunner George Atkins, served in that war with the 46th Queen's Battery of the Canadian Field Artillery, part of the Canadian Expeditionary Force, and indeed fought in the battle at Vimy Ridge. In fact, he kept a personal diary, and the entry on that day is as follows:

Put over a barrage this morning at 5 o'clock. The Canadians took Vimy Ridge a flying. Took a lot of prisoners, etc.

The rest of the entries in that diary are very interesting and certainly give the flavour of the horrendous conditions and difficulties.

I recently had the pleasure of meeting with Dr. Tom Cook, a World War I historian and a member of the staff of the Canadian War Museum, for an informative chat. Many Canadians might be interested to know that soldiers were technically not supposed to keep diaries or take cameras to the front for fear of information falling into the wrong hands. That said, Dr. Cook concedes that these diaries and pictures comprise one of the few real resources we have that give a bird's-eye view of what really happened during those terrible days and months. Each diary and picture fills in the gaps in information that exist today.

In 1992, Senator Meighen and I had the honour of attending the seventy-sixth anniversary celebration of the Battle of Vimy Ridge. The Canadian National Vimy Monument was indeed impressive. It was designed by Canadian architect and sculptor Walter Seymour Allward, and was originally unveiled in 1936. The monument is a reminder of the Canadians who captured Vimy 90 years ago. It is also a reminder that many of those who fought at Vimy paid a very high price for our freedom and peace. Fortunately, my family, my father, was not one of them, although he was wounded three times during the war.

After decades, the monument was falling into disrepair, which had become evident even in 1992. Appropriately, the Canadian government embarked on a major multi-million dollar restoration project. I say "appropriately" because, as our colleague Senator Dallaire has succinctly stated:

This monument is a symbol of our national unity and our commitment to defending human rights. It is a monument that represents Canada's past and its future.

I have no doubt that the monument has been restored to its original stature, and I am pleased that many Canadians will be present for the unveiling ceremonies that will take place on April 9 of this year.

Canadians are right to honour our brave Canadian soldiers and our military history. The unveiling of the restored Vimy Monument allows Canadians to reflect not only on the sacrifices made by our soldiers those 90 years ago, but also on those that have been made since that great battle and to those being made in our name today.

Honourable senators, after serious consideration, I have taken the opportunity to honour the legacy of our fallen soldiers by donating my father's diaries and photographs to the Canadian National War Museum. These documents are precious to me and to my family, so I am doing this in the hope that they can be of some use in keeping future Canadians informed about the sacrifices made to allow this country to be what it is today.

• (1830)

Hon. Roméo Antonius Dallaire: Would the honourable senator accept a question?

Senator Atkins: Yes.

Senator Dallaire: The restoration committee was able to acquire enough stone to last us another 100 years. Thank God for that because the quarry is closing down. When we celebrate this ninetieth anniversary, in 10 years it will be the one-hundredth anniversary of Vimy. It will also be the one-hundred fiftieth anniversary of Canada within months of that celebration.

What would the honourable senator think of some sort of means by which, over the next 10 years, we develop something that could bring a bit of that monument home. We would have something more tangible, as siblings of those who fought there will be ebbing in numbers. It may be more appropriate to have something closer to home, whatever it might be. Perhaps we might need a committee to look into that.

Senator Atkins: I think it is a good idea to do everything we can to keep a focus on Vimy and what it represents.

This year a number of young people will be going to Vimy for the celebrations. In 10 years, hopefully more and more young people will be encouraged to go and be supported to go, in the effort to identify to young people how importance of Vimy and how it relates to our history.

The Hon. the Speaker *pro tempore*: Do other senators wish to speak on this inquiry?

On motion of Senator Banks, debate adjourned.

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Tardif*)

Hon. Hugh Segal: Honourable senators, I rise to speak to the inquiry put forward by Senator Dallaire regarding the situation in Darfur and Canada's commitment to our brothers and sisters in that war-torn country. No one of us with any knowledge of the goings-on in the region, who see the images of the carnage and the suffering, can consider themselves removed from the situation and not want desperately to be helpful. We all agree that the "Responsibility to Protect" has never been more meaningful than in Darfur, but this notion means literally nothing without a very real ability and will to deploy. The situation in Darfur is a classic example of how our collective inaction may destroy even the idea of the "Responsibility to Protect."

I suggest to honourable senators that what is needed immediately is a more open and frank debate about new actions we must take directly, not only in Canada, but at the United Nations General Assembly, in national parliaments and legislatures and among law-makers of all stripes, in all civilized societies, as to how far we are prepared to go exactly with the obligation for the "Responsibility to Protect." Do we need to revisit the Westphalian idea of sovereign borders? Does the protection of the most vulnerable and the weakest amongst us mean that we have to be prepared to violate the sovereignty of member states? If not, if we feel a responsibility as civilized governments to bracket our actions based on our respect for the old rules, when at the same time non-state players do not — such as Hezbollah, al-Qaeda, the Janjaweed — who are we fooling? These non-state actors claim that their actions are on behalf of their countries, their broad groups and interest groups, as they define them, and backed up by sovereign support from various other organizations. Surely we must also dig deep and ask ourselves the toughest question, which Senator Dallaire has had the courage to ask in many places around the world. If Darfur and all its horrors were taking place in Eastern Europe, Central America or Asia, would we be equally careful and judicious in our respect for sovereign borders and our excuses for non-action?

I would point out that there is a supreme irony in public opinion having forced out the Canadian company Talisman from Sudan, only to have their position taken over by the Chinese. The Chinese need for Sudanese resources means that Sudan has, in effect now, a de facto veto protecting it on the UN Security Council, standing in the way of precise and specific action. Surely this was not what was aspired to by those who pressured the Canadian company to leave, but it is what we now have. China's obligations as a global power are not discharged through the amoral endorsement of inviolate sovereignty, even of those nations encouraging or turning a blind eye to ethnic cleansing. China is a great and admirable power, and those who have sat earliest and longest with China, as Canada has, should be using goodwill and diplomacy to urge the Chinese leadership throughout Africa, and especially in Darfur, to be applied on these humane and appropriate grounds.

Let me make a prediction here this evening. I predict that if China does not engage, we will see the pressure to boycott the Beijing Olympics increase and broaden its base throughout the United States, throughout Europe, throughout this country, causing all kinds of difficulties for our Chinese friends who want to host outstanding Olympic Games. China has the capacity to act now to help dissipate that difficulty, and we should be working to help the Chinese come to that conclusion, in respect but with focus.

We should engage more directly on a tougher program of sanctions and pressures regarding Khartoum, and we should be working in every imaginable way to see Sudanese officials, diplomats and military brought to justice in The Hague.

Honourable senators, let me refer to an article reported in *The New York Times* just 24 hours ago. Secretary-General Ban Ki-moon of the United Nations, Egypt and the Arab world are making the case for help and assistance with the problem in Sudan. He has asked for help in changing the mind of Sudanese leader Omar Hassan al-Bashir, who has been defying the United Nations' request to put troops into Darfur to help the overwhelmed African Union mission there. Government and rebel violence in Sudan's western Darfur region has left 200,000 people dead and 2.5 million displaced. Secretary-General Ban Ki-moon reports that al-Bashir has written to reopen the agreement that he had made, calling for an interim heavy support package of 3,000 well-equipped military police officers, along with aviation and logistic support, to beef up the 7,000-soldier African Union force now in Darfur.

They are going back on the agreement they made so as to slow down the capacity of the larger world to have a meaningful impact in diminishing the crisis, death and slaughter.

Let me not suggest for one moment that Canada has been silent or inactive on the issue. The report issued by the Standing Senate Committee on Foreign Affairs and International Trade made specific recommendations but also reported that Canada has contributed over \$190 million toward the African Union mission in Darfur. Our forces and our funds have supported helicopter transport, the loan of armoured personnel carriers, provision of equipment and technical assistance from Canadian Forces personnel.

I had an opportunity a week and a half ago in London to be at a meeting of the Aegis Foundation whose patron is our colleague the Honourable Senator Dallaire, an organization devoted to fighting the Holocaust and that kind of ethnic cleansing in Africa today. The leader of the British Conservative Party who had just come back from Darfur spoke eloquently of the leadership that Canada is providing. The purport of my comments today is not to be in any way critical of what we have done. He made the case that Britain and Europe should be doing far more than they are doing in Darfur, for a host of different and substantial reasons.

• (1840)

We had an official from the Department of National Defence appear before the Standing Senate Committee on Foreign Affairs and International Trade who talked about the importance of Canada's military training assistance program, or MTAP, which provides language training, professional training and peace support training to participating states, 19 which are African. Broadly speaking, the program aims to promote democratic principles and the rule of law, the protection of human rights and international stability, to build peace support operations capacity amongst Canada's peacekeeping partners and contribute to the global war against terrorism through selective assistance. In short, the MTAP program aims to build up African peacekeeping capacity, but, honourable senators, only 10 per cent of MTAP's total \$12 million budget is spent on training Africans, meaning that only 190 officers actually received this training last year, and the bulk of the training actually took place at CFB Borden, north of Toronto.

Canada is not a military superpower. Our military personnel, dedicated, well trained and amongst the best in the world, can only accomplish the goals that they can based on their numbers and the needs in the field. We are currently fulfilling a very serious NATO obligation sanctioned by the United Nations in Afghanistan, and the bulk of our army personnel is needed for that particular engagement. We cannot be all things to all people at all times. I suggest to you that the "but" is what is most important. If we — referring to the collective "we", the international community — do not crunch the issue around Darfur, we may be tacitly admitting that the responsibility to protect, also a Canadian idea, was little more than a whimsical notion, not even a well-rooted or full blown concept. The international community must put their money, efforts, personnel and goodwill where their mouths are, or we may be affirming that there is neither the will nor the capacity to implement the responsibility to protect. If we cannot protect the young girls who are abused and raped, the farmers in the fields who are hacked to death, the elderly, the sick, the displaced and those left with nothing, who exactly are we responsible for protecting?

The recommendations that were outlined in the Senate report on Africa talked about specifics that we might be able to apply: by boosting our support for peace and security efforts in Africa by greatly expanding Canada's commitment to the United Nations peace support operations, in particular Operation MONUC; by helping to build the capacity for peace in Africa by significantly increasing the budget and resources of the Department of National Defence Military Training Assistance Program so that they can provide more training to a greater number of officers from more African countries; by supporting the African Union, and by recommitting to and strengthening its work on children affected by armed conflict. It should expand the scope of such programs beyond direct combatants to include all children.

Honourable senators, I support these recommendations, especially in relation to Darfur. The current struggles worldwide are definitely stretching the abilities of many countries, including our own. First and foremost, we must protect our own interests, as is the duty of every civilized government. However, if we cannot find it in our hearts and, more important, in our foreign aid and military budgets to step into Darfur as best we can, we are abdicating our responsibilities as human beings. It seems to me that there are already too many on this planet who have abdicated that particular responsibility. The civilized international community cannot afford to be counted among them.

Tell me, if you will, what the difference is between, "We can't do much if Khartoum won't agree," and the line from the late 1930s, "None is too many." For the Africans being slaughtered daily, this is the 1930s; we have a duty to act.

Hon. Roméo Antonius Dallaire: Honourable senators, forgive me for rising so often today, but the subjects are close to my heart.

I would say to the Honourable Senator Segal that, in the early 1960s, when many African nations were gaining their independence, they turned to Canada to help them build their bureaucracies, judicial systems, systems of governance and so on. They also turned to Canada to help them build their armies to be

responsive to the democratic processes which we recognize fully. Some of those countries have been exceptionally successful, like Ghana, which is a leader in peacekeeping.

Hon. Gerald J. Comeau (Deputy Leader of the Government): On a point of order, I do not want to appear ungrateful, but my impression was that Senator Dallaire had already spoken on this subject.

Senator Dallaire: I am asking a question.

The Hon. the Speaker pro tempore: Senator Dallaire is asking Senator Segal a question.

Senator Dallaire: Thank you for guiding me to focus — not wanting to take too much time, of course — on a subject that might not be particularly pertinent.

What about responsibility to protect and Canada's commitment to things like the African stand-by force, to using forces not in the thousands but in the hundreds to assist the Africans in building up their own capability? Ultimately, is Darfur not, in fact, the prime example for us to "operationalize" the doctrine of responsibility to protect, and that we lead that "operationalization"?

Senator Segal: I think the honourable senator makes the point more eloquently than I can. The world did not wait with respect to what happened in the old Yugoslavia. Deployments were made and decisions were put into place. UNPROFOR, in the first round, and then pursuant to the peace accords, NATO deployed because, quite frankly, we worried about ethnic cleansing and about finding things which, frankly, I have seen myself when I visited Bosnia and Herzegovina — namely, mass graves. There were too many of those. Had we not acted, there would have been far more. Had we waited for European diplomacy to deploy, if you look at the broad sweep of history, from Sarajevo 1 to Sarajevo 2, or from Auschwitz to Srebrenica, European diplomacy is always the same: Wait until the bodies are stacked like cordwood. Then they call us naive, Canadians, Australians, Brits, Americans, gathering up our kids to go and do something about it before it is too late.

The point that Senator Dallaire's question underlines is this: What is different about Darfur? That there is a government of thugs in Khartoum who would rather we were not there? We have faced that situation before. That there is a Westphalian border that defines an area in which they have sovereignty? They purport to have nothing to do with what the Janjaweed are doing to the civilian population and the migrant population.

Clearly, we can go through this "After you, Alphonse" routine for some period of time, and we know one thing for sure: More people will die every day. If "responsibility to protect" is to survive, it will survive because it was fully engaged in Darfur. If we do not engage in Darfur, that idea that Canadians worked on will die.

On motion of Senator Cowan, debate adjourned.

THE SENATE

FAILURE OF GOVERNMENT TO APPOINT QUALIFIED PEOPLE TO THE SENATE—INQUIRY— DEBATE ADJOURNED

Hon. Tommy Banks rose pursuant to notice of March 21, 2007:

That he will call the attention of the Senate to the failure of the Government of Canada to carry out its constitutional duty to appoint qualified persons to the Senate.

He said: Honourable senators, I know the hour is late, so I will not talk for a long time. The way it works is that if I am to pursue this inquiry, I must do so now, so I beg your indulgence.

I rise today to call the Senate's attention to what I believe is a serious breach of the government's duty to respect the rule of law and to ensure the proper functioning of Parliament. In nearly 800 years of development of our kind of government, it has been clearly established that the government is a function of Parliament and not the other way around. When a matter is brought before Parliament for its consideration and when Parliament then makes an act, that act of Parliament is not a mere suggestion. It is not a proposal that the government might consider. It is not a mere resolution or option that the government might wish, if it chooses, to follow. It is the will of Parliament, expressed in an act of Parliament, and Parliament expects the government to give effect to the provisions of that act.

• (1850)

Earlier today, Senator Murray referred to a different situation than the one to which I refer, which is the question of whether a government will abide by a law that is extant. The act, the law to which I refer, is not merely an act of Parliament, it is the supreme act of Parliament. It is the Constitution Act, 1867, in which is set out the means by which Canada is to be governed.

I refer in particular to the two sections of that act that set out the process by which persons are called to the Senate.

The first of these is section 24 of the Constitution Act, 1867, which obliges the government of the day to name persons to the Senate. It states:

The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

The second is section 32 of the act, which is even more specific and clear, and describes what happens in the event of vacancies in the Senate. It states:

When a Vacancy happens in the Senate by Resignation, Death, or otherwise, the Governor General shall by Summons to a fit and qualified Person fill the Vacancy.

Honourable senators, those sections are not enabling sections. The language is mandatory, not permissive. Those sections do not provide the government with the option of filling vacancies. Those sections create a legally binding obligation on the government to replenish the membership of the Senate.

The rule of law is one of the hallmarks of a mature democratic society such as Canada's. The rule of law includes the notion that the government has a duty to observe the law. The lack of enforcement provisions in the statute, as in this case, does not diminish that duty and because there may not have been legal recourse to the courts does not mean that the government is free to disregard the law.

Honourable senators, there has been a similar concern, for example, with Bill C-288 that Senator Murray raised today, the private member's bill from the other place concerning the Kyoto commitments.

When that bill passed the other place, many expressed concern that the government might ignore the law if it should pass in the Senate. However, with speculation and concern rising, the Prime Minister, sensibly, made a public statement to the contrary on February 15. In the other place, the Prime Minister made a clear and unambiguous statement that his government would respect the bill, should it be passed into law.

Honourable senators, the Prime Minister's statement was a welcome reassurance that the government does not put itself above the law. However I am concerned that this important principle is not being respected in the area of Senate appointments.

The obligation in section 24 of the Constitution Act, 1867, does not establish specific time frames for filling vacancies. However, the obligation in section 32 to fill vacancies is clear. It says that "when a Vacancy happens. . . the Governor General shall by Summons. . . fill the Vacancy."

Now, honourable senators, the word "when" means what we all know it to mean. When is a trigger when it is used as a conjunction. It does not mean "some other time," "sometime later," or "if we get around to it." It means "when." It means "upon the occasion that" a vacancy happens.

I asked people who know better than I, to check the Interpretation Act and other references of Parliament to find out whether there was anywhere a definition of "when" other than the one that we all commonly understand and there is not, so I will revert to the *Oxford English Dictionary*, which gives four definitions of "when," used as a conjunction as it is in this case: one, At the or any time that; two, On the or any occasion that; three, At whatever time; and four, As soon as.

In other words, "when" means what we all understand it to mean. That implies a time certain. It conveys a sense of immediacy, if not urgency, and at some point a failure to observe that clear direction in section 32 constitutes a breach of the law. I believe that we have reached that point.

Let me outline the extent to which vacancies have been neglected. The current government has made only one appointment since it took office, the Minister of Public Works who was appointed to the Senate on February 27, 2006. It was made clear by that very welcome appointment that the Prime Minister is not opposed on the basis of principle to the appointment of senators.

By my count, there were six vacancies when Mr. Harper took office, one of which took place during the preceding election period and one of which took place after the transition of the new government. Since that time there has been one appointment and seven additional vacancies: two deaths, three retirements and two resignations.

There are now, in this place, 12 vacancies and there will be no more retirements, at least this year.

Many of these seats have been vacant for well over a year. In one case, the seat left vacant by the retirement of our former colleague from Prince Edward Island, the late Senator Rossiter, has gone unfulfilled since August 15, 2004. That is more than 2.5 years ago.

Proportionately, a deficit of 12 senators is like having 35 vacancies in the House of Commons. Such a state of affairs in the other place would be intolerable if it went on indefinitely.

Honourable senators may wonder why the government is abstaining from making appointments, as the Constitution requires it to do. By his own account, the Prime Minister says he is waiting for reform proposals, Bill S-4 and Bill C-43, to pass.

Although in the matter of Bill C-288, the government stated its intention to follow the law, in the matter of Senate appointments, it has categorically stated that it intends to do the opposite. I will quote from the Prime Minister when he appeared in the Special Senate Committee on Senate Reform, on September 7, 2006:

I do not intend to appoint senators, unless necessary. But I can tell you that the government intends to table a legislation to create an elected Senate.

Later in the same meeting he said:

The government prefers not to appoint senators unless it has the necessary reasons to do so. I mentioned one of these reasons in the case of Senator Fortier... At this time, I prefer to have an election process where we can consult the population rather than to appoint senators traditionally.

The Prime Minister has made an unambiguous statement that the government intends to make no appointments until after Bill C-43 passes or until there are so few Conservatives in the Senate that the government cannot function at all. He has openly declared his determination not to fulfil his obligations under section 24 and section 32.

Honourable senators should note that Bill C-43, which is the Senate elections act, was introduced in the other place last December. It has never been called for debate and continues to stagnate in that place at first reading. As was said this week in the last house business statement of the Leader of the Government of the House of Commons: Second reading is not planned at any time soon.

Even if Bill C-43 were brought forward in the coming weeks, it is not clear, especially in a minority Parliament, whether it would pass before an election is called. In fact, the government has suspended indefinitely its conformity to sections 24 and 32 of the Constitution Act, 1867, pending the fate of a bill in Parliament, a bill that it has allowed to languish on the Order Paper for several months.

Honourable senators, apart from the government's choosing to ignore, if not to defy, the rule of law, I would like to outline other consequences of failure to make appointments.

With 12 vacancies and counting, regions and provinces are constitutionally under-represented. Seven of the 10 provinces have vacancies and are not properly represented in this place. Nova Scotia has the most with three vacancies. The Yukon, with only one, has been completely unrepresented since January 1 of this year. Almost half the vacancies are in one senatorial division: the maritime division is down five seats, or more than 20 per cent of the representation to which it is entitled under the Constitution. Atlantic Canadians are being denied their constitutional rights to representation in Parliament.

• (1900)

In this case, the failure to fill vacancies is also creating an inequality that infringes on section 32, which is the section of the Constitution Act that guarantees the equality of representation for the four senatorial divisions. The large number of vacancies also impairs the proper functioning of the Senate by depriving it of sufficient numbers of members to staff its committees.

There is a more subtle effect of abstaining from appointments in the way that the government is doing. One of the important characteristics of the Senate is its gradual and constant turnover and renewal. That gradual renewal complements the sometimes sudden and dramatic turnovers that happen in the House of Commons and helps to explain the very different natures and cultures of our two Houses of Parliament. A long period without appointments, followed by a wholesale filling of seats, would only serve to undermine that important difference. Failure to make appointments, as required by section 32 to replace vacancies, is a failure to ensure the proper functioning of Parliament.

Imagine if the government did that in the Supreme Court, allowing vacancies to exist for over two and a half years, and if that court had to cope with its caseload with six or seven justices. Imagine the backlog of cases if the Immigration and Refugee Board or the CRTC were similarly short.

I am sure you will agree, honourable senators, that failure to exercise the duty to appoint is a serious dereliction of duty. It is both a failure to fulfill the legal obligation of the government — or at least the conventional obligation of the government — to conform to the Constitution, and a failure to fulfill its moral obligation to ensure the proper functioning of Parliament and, therefore, of the government.

In the case of the Senate, the government's own clear and unambiguous statements indicate that its failure to appoint is intentional. That wilful disregard, particularly of section 32 of the Constitution Act, 1867, constitutes a breach of the law and weakens respect for the rule of law in our society.

Honourable senators, regardless of the merits of the Prime Minister's legislative initiatives for Senate reform, or others that we might all want to undertake, he cannot — and we cannot — simply suspend the Constitution of Canada while we wait for those reforms to pass. The government has a duty. The Prime Minister has a duty to fill vacancies in the Senate by, I assume, members of the Conservative Party, to ensure the proper

operation of Parliament. It is my hope that by drawing attention to this serious problem, we may persuade him to do so.

[Translation]

I want to make clear that I am talking about the conventional obligation of the Prime Minister. Senator Murray referred to it this afternoon. Taking the legal provisions of the Constitution by themselves, the Prime Minister is not named in this section of the Constitution. The Prime Minister is not named, or his office is not named, in section 24 or 32. They both say that "the Governor General shall . . ." By convention, that is always on the advice of the Prime Minister. However, if this case were ever to be adjudicated in a court, it is entirely possible that courts, who are obliged to rule according to the law and not to convention, might find that the Governor General has, per se, an obligation.

I wanted to make clear that what I am talking about is a conventional obligation of the Prime Minister, even though it is not set out by his name in the Constitution. I hope that honourable senators will consider this and further this inquiry in order that we can have a more properly operating institution here in the institution that we love so much.

On motion of Senator Tkachuk, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CONTAINERIZED FREIGHT TRAFFIC

Hon. Lise Bacon, pursuant to notice of March 20, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, May 11, 2006, the Standing Senate Committee on Transport and Communications, which was authorized to examine and report on containerized freight traffic in Canada's ports, be empowered to extend the date of presenting its final report from March 31, 2007, to October 31, 2007.

Motion adopted.

The Senate adjourned until Wednesday, March 28, 2007 at 1:30 p.m.

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(HANSARD)

Wednesday, March 28, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Anne C. Cools: Honourable senators, this is a point of order, or really about a correction to yesterday's *Debates of the Senate*. At page 1997 of that volume — that would be March 27, 2007 — while speaking on my point of order on Senator Di Nino's motion about China and Tibet, in the final sentence of the second paragraph, in the left-hand column, the statement appears.

I have made it my business not to inquire into the minister's position such that I would not attempt to take a position pro or con on the matter of Quebec.

The record shows "Quebec"; what I actually said was "Tibet." It is an easy mistake to make; it is very understandable how the reporters could have got it wrong.

Could the record show clearly that the word there was "Tibet," not "Quebec"?

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

THE SENATE

Wednesday, March 28, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NUNAVIK

LIVING CONDITIONS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I wish to draw your attention to the plight of our fellow citizens who live in the northern Quebec region of Nunavik.

A vast and beautiful territory located north of the 55th parallel, Nunavik stretches out over half a million square kilometres of tundra and taiga, of mountain ranges dotted with lakes and of coursing rivers. It is home to some 11,000 people, most of whom are Inuit, but whose numbers include members of the Cree and Naskapi nations.

Yet, amid all this splendour and wealth of landscape and Native culture, the people of Nunavik are isolated from the mainstream of Canada — isolated not only in terms of geography, but economically and politically cut off as well.

No roads link Nunavik's 14 villages to each other or to the rest of the province, and the distance separating those villages from Montreal ranges from 1,500 kilometres to 2,500 kilometres. Air travel is the only reliable form of year-round transportation, but it is extremely expensive. Visitors who are here today and will meet with us tonight paid approximately \$5,000 to come to Ottawa.

Moreover, the people of Nunavik lack even such basic services as municipal aqueducts or sewage systems, and electricity is produced by diesel generators since the region is not on the province's power grid. This lack of infrastructure and isolation are significant barriers to economic development, and largely explain the high costs of food, building materials and other goods.

Nunavik households spend about 45 per cent of their income on groceries, a proportion observed mostly in the Third World; and 88 per cent of residents live in social housing due to the high building costs. As a result of rapid population growth, approximately 68 per cent of Nunavik's Inuit live in overcrowded conditions.

The costs of isolation and poor living conditions are high. In Nunavik, suicide is six times the rate it is in the rest of the province, and it remains the leading cause of death among the people of Nunavik. Add to this poverty, high unemployment and dropout rates, health problems, substance abuse and crime, and the picture becomes even darker.

Honourable senators, the residents of Nunavik are a proud and noble people struggling to maintain the integrity of their language, culture and traditional way of life amid the pressures of a rapidly changing world, and against a backdrop of hardship and isolation. However, I am convinced that, as Canadians and parliamentarians, we can and must do something. Let the spirit of the 2005 Kelowna accord guide us to help them bridge the distance and close the economic gap separating them from other Canadians.

In this regard, I commend the fine work done by my colleague, Senator Watt, to provide his people with the economic, social, fiscal and political tools they need to reach their full potential. I look forward to working with him on this issue, and encourage all senators to lend him their support.

Hon. Charlie Watt: First, honourable senators, let me say that I am proud to be a member of this chamber.

Honourable senators, over the years, I have regularly raised my concerns about the extreme difficulties and economic disadvantages of our people in Nunavik. I have also tabled petitions from families on the high cost of living over the last two decades. I have tried to raise my voice each time that the government attempted to reduce the program. Today, I need to raise my voice again, strongly pointing out that the quality of life has not improved; as a matter of fact, it has deteriorated.

Nunavik has a young population, and the birthrate is the highest in Quebec. If we do not react immediately, we will harm this nation from the youngest to the oldest.

As you know, the people from Nunavik need to harvest to put food on the table. Unfortunately, most of the people cannot afford to harvest because of the high cost of equipment. They are also confronted with government regulations on top of dealing with primary food, such as milk and bread.

• (1340)

Three weeks ago I went harvesting, hoping to bring caribou meat into the community. Unfortunately, nature was not on my side, and I came home with nothing.

Honourable senators, it is difficult and sometimes almost impossible for many to have a complete diet. Inuit in Nunavik live in overcrowded houses with two, three and sometimes even four families living in the same household.

There is a high level of drop out in our schools, the suicide rate is unacceptable and health and social problems are also increasing.

Honourable senators, there is a solution to every problem when there is political will. We count on your support when I table legislative initiatives in the near future.

Today, we are visited by the mayors from Nunavik, and we hope to resolve the problems that they are confronted with on an everyday basis. Please listen carefully to what they have to say for they are here to look for a solution.

(The honourable senator spoke in his native language.)

NATIONAL SECURITY AND DEFENCE

EIGHTH AND NINTH REPORTS—COMMENTS ON REPRESENTATION BY GOVERNMENT CAUCUS

Hon. David Tkachuk: Honourable senators, some of the contents of the eighth and ninth report of the Standing Senate Committee on National Security and Defence presented in this chamber last week came as a surprise. Within the pages of the reports themselves, Senator Kenny stated:

Subsequently, the Conservative leadership in the Senate decided to remove all three of the senators from the committee, leaving the committee without Conservative representation. . . . The current government is apparently determined to show its displeasure at our independence.

Honourable senators, these statements are incorrect. First, the leadership did not remove the senators. The notices sent were clear. They said, substitution pending. Second, the issue in question was not the independence of the committee. It may come as a surprise to Senator Kenny, but all Senate committees exert their independence, including the three committees that I am proud to be a part of, outside of the Standing Senate Committee on National Security and Defence. He insults the other committees and their members by implying that his committee is the only one that does. No, the issue in dispute, as he well knows, is that the Liberals on the committee usurped the right of the Conservative Senate leadership to choose who among its members would serve in what capacity on that committee, a right he implicitly acknowledged at that meeting in an exchange with Senator Banks over the makeup of the steering committee.

In light of what happened, Senator Banks proposed that a fourth Conservative member be added to the steering committee. Senator Kenny replied:

With respect, I think it would be up to the Conservatives to decide who they wanted, if they wanted.

All such niceties, not to mention time honoured traditions, went out the window when it came to the selection of the deputy chair. This committee violated one of the most important and fundamental elements of our Parliament here, namely that there be representation from both sides of the chamber, and that each side has a right to choose who will represent them. Taking advantage of the temporary absence of any Conservative senators, the opposition senators held an in-camera meeting in which they added an entire page to the report that failed to properly represent the actual events. I am appalled by this turn of events and astounded that the chairman did not see fit to mention, in his one-sided commentary, that the committee acted in this way. He owes this chamber an apology.

[Translation]

JEAN-ROBERT GAUTHIER FOUNDATION

ESSAY COMPETITION

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, it is my great pleasure to announce today that on Thursday, March 22, the Jean-Robert Gauthier Foundation awarded four scholarships to young Canadian university students from various regions across the country.

The 2006-07 Jean-Robert Gauthier Foundation literary essay competition invited all students attending French language or bilingual post-secondary institutions to write an essay that answered the following questions:

• (1345)

What values and interests do Canada's francophones have in common? How can a common francophone identity and national rallying point be created?

It was an extreme pleasure, as honorary chair, together with our former colleague, the Hon. Jean-Robert Gauthier, to welcome the four award winners of the fifth essay contest here on Parliament Hill.

I was highly impressed by the quality of the essays of the four contest winners. Pierre-André Doucet, an Acadian, Amélie Ferron-Craig, a Quebecer, Émilie Herdes, a Franco-Yukoner, and David Brown, a Franco-Albertan, each, in their own way, responded skilfully to the questions. I would like to share some excerpts with you.

Mr. Doucet wrote:

One rallying point of the francophone communities has to be the young people.

Ms. Ferron-Craig said:

Despite how fragmented the Canadian Francophonie is, francophones have maintained a number of common values and interests.

Ms. Herdes stated that:

The cohesiveness among the country's francophone communities is the result of their common values and interests, of a common struggle to make a language and culture survive over hundreds of years and thousands of kilometres.

Finally, Mr. Brown said:

Despite their superficial differences and 40 years of fragmented identity, francophones across Canada have common values and interests. . . . The creation of a national identity and rallying point in Canada will not only contribute to the success of francophone community initiatives, but through cooperation, will enrich the Canadian Francophonie by the cultural wealth of the different regions.

Honourable senators, I am certain that you will join with me in congratulating these young people on their thoughts and their informed ideas on linguistic duality and the Canadian Francophonie.

[English]

WORLD WOMEN'S CURLING CHAMPIONSHIP

CONGRATULATIONS TO CANADIAN CHAMPIONS

Hon. Leonard J. Gustafson: Honourable senators, I rise to extend congratulations to the Canadian team that has won the World Women's Curling championship.

Skip Kelly Scott, Sasha Carter, Renee Simons, Jeanna Schraeder, Michelle Allan and coach Gerry Richard won gold over Denmark by a score of 8 to 4 in the finals in Japan on Sunday.

Hailing from Kelowna, the Canadian team concluded the tournament with a nearly perfect record, posting just one loss, to Scotland, during the round robin. In doing so, Kelly Scott and Sasha Carter have become the only Canadian women to ever win both the World Junior Women's championship and the World Women's championship.

Canada has achieved its first world title since Nova Scotia's Colleen Jones won in 2004, and this country's fifth in the past decade.

Well done, Team Canada! Let us hope that this feat can be repeated when Vernon hosts the 2008 world championships next year.

[Translation]

L'ÉCOLE DES HAUTES ÉTUDES COMMERCIALES

ONE HUNDREDTH ANNIVERSARY

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I want to recognize the centenary of the École des hautes études commerciales. Celebrations for this event are going on now, most of them in Quebec, with one today in Ottawa.

I would like to point out, not only as minister responsible for Montreal, but also as a Montrealer, how proud Montrealers and I are of this institution, which is the oldest teaching institution of its kind in Canada. It started out with a handful of students, and today it has more than 60,000 graduates all over the world.

A number of the francophone entrepreneurs — both men and women — who built modern Quebec once studied at the HEC. We owe this institution a great deal for its participation in, support of and cooperation with the modern Quebec we know and brag about today.

• (1350)

Speaking of recognition, I would like to say that such prestigious publications as *Business Week* and *The Economist* have recognized the excellence of the École des hautes études commerciales in their recently released rankings.

[Senator Tardif]

I therefore pay tribute to this institution, just as Canada Post did two weeks ago when it unveiled a commemorative stamp in honour of the school. Congratulations, and long live HEC Montréal.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of representatives of all 14 communities of Nunavik, including 12 of the mayors and representatives of the two other mayors. With them is Ms. Ida Watt, spouse of our colleague the Honourable Charlie Watt.

Our visitors are the guests of the Honourable Senator Watt.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, 50 years ago, in this chamber, Parliament passed the Canada Council Act to foster and promote the study, enjoyment and production of works in the arts, humanities and social sciences.

It is my pleasure to recognize today the presence in the gallery of 50 of Canada's most outstanding artists, including writers, visual artists, actors/directors and dancers/choreographers who are gathered in Ottawa this week to celebrate this important anniversary for the arts.

Among these guests, honourable senators, I take particular pleasure in welcoming back a former colleague, Jean-Louis Roux.

[Translation]

Arts and culture are the soul of a rich and vibrant society. They enable us to define ourselves as a society and to set ourselves apart as a people. We are therefore very pleased to have this opportunity to warmly salute all of our Canadian artists — the people who enable us to express ourselves and who inspire us.

[English]

I welcome these artists to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

NUNAVIK INUIT LAND CLAIMS AGREEMENT

TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, particularly in the presence of the visitors in our gallery today, it is an honour and gives me great pleasure to table, in both official languages, the Nunavik Inuit Land Claims Agreement.

[Translation]

CANADIAN HUMAN RIGHTS COMMISSION

2006 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the 2006 annual report of the Canadian Human Rights Commission, pursuant to section 61 of the Canadian Human Rights Act and section 32 of the Employment Equity Act.

• (1355)

[English]

ANTI-TERRORISM ACT

INTERIM REPORT OF SPECIAL COMMITTEE TABLED

Hon. David P. Smith: Honourable senators, I have the honour to table, in both official languages, the fourth (interim) report of the Special Senate Committee on the Anti-terrorism Act, which provides certain commentary on certain issues addressed in its third report tabled in the Senate on February 22, 2007.

QUESTION PERIOD

PUBLIC SAFETY

NATIONAL SECURITY AND DEFENCE— GOVERNMENT RESPONSE TO RECENT REPORTS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, this government talks the talk when it comes to fighting crime and combating terrorism but it has demonstrated that it does not walk the walk. Last week, my colleagues in the other place put forward a proposition to expedite the passage of a series of justice-related bills, but they were turned down by the Government House Leader. Clearly, this government would rather talk about crime than do anything to prevent it.

In recent days, our Senate colleagues on the Standing Senate Committee on National Security and Defence tabled no less than four reports outlining both specific vulnerabilities in our national security and concrete recommendations to address the problems. Yet, we have seen no sign that this government is willing to acknowledge the findings of this committee. Still, let us take action. We now know that our airport security is not coordinated; our ports are vulnerable due to unchecked containers; our border guards need more resources; and our Coast Guard needs more vessels to protect our coasts. When will this government stop talking and start acting?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for her question. All of this happened within the last year, I suppose. There were two reports of the Standing Senate Committee on National Security and Defence last week and two reports this

week. The ministers responsible have indicated that they will study the reports carefully. As I said in response to questions by Senator Atkins last week, the government takes the recommendations of these reports seriously. On the particular issue of borders, Minister Day and the government have walked the walk, as they have taken serious steps to secure our borders.

With regard to the most recent report tabled by the Chair of the Senate National Security and Defence Committee, I only heard about it in the media after caucus this morning. As the honourable senator knows, and as I said yesterday in response to a question on the Coast Guard, the government has made provisions in Budget 2007 to increase the number of Coast Guard vessels. That is another example of walking the walk.

[Translation]

Senator Hervieux-Payette: Honourable senators, the Leader of the Government in the Senate reassures us by saying that she will ensure that the government will follow up on the recommendations made by this excellent committee. Can she assure us that the money needed to implement these measures will be allocated as soon as possible?

We are not speaking rhetorically, but rather of providing tools to guarantee the safety of air travellers and that of all Canadian citizens. It is also a question of the security of international trade, because of the ports, and the concerns of clients who transit through Canada, as well as the tightness of our borders. We also need assurances that we are respecting our obligations to our neighbours.

• (1400)

[English]

Senator LeBreton: Honourable senators, I did not say that the recommendations of the report would be implemented, and I do not appreciate having words put in my mouth. I simply said that the minister is seriously studying the recommendations.

As has been indicated by Minister Cannon, in terms of the airports, and by Minister Day, in terms of our borders, and the actions we have taken with regard to our military spending and the Coast Guard, we are taking positive measures to address many of these serious concerns that obviously were not dealt with by the previous government.

BORDER SERVICES AGENCY—ROAD BARRIERS

Hon. Tommy Banks: My question is a supplementary one. It is addressed to the Leader of the Government in the Senate.

This same question was asked of the previous government and the answer was unsatisfactory. It was then asked again of the previous government and the answer was unsatisfactory. I am now asking a question of what is happening from now on, notwithstanding what went on before.

As reported in the report on borders, we found that in one quarter of last year, about 300 automobiles drove through land crossings from the United States into Canada without stopping. The mechanical means of stopping such incidents are quite simple. They are expensive, but not horribly expensive. They cost nothing compared to the cost of knowing that 300 automobiles,

with God knows what and God knows who in them, have gone through the border into Canada. With the exception of about 60, they have disappeared, and most of those 60 were found empty and abandoned. Whatever they contained was probably not good.

The means of ensuring that that will not happen at our borders does not necessarily have anything to do with anyone with a gun. It has to do with a mechanical barrier which is used in parking lots that would simply be raised at the push of a button. When a border officer sees a car go through the border that has not been properly searched, he pushes the button and the car cannot go any further.

Will this government undertake to do something about that in fairly short order? The means are there, the technology is well known and commercially applied all over the world. The previous government did not do it. Will this government do that with alacrity?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I hope that I will be able to convince honourable senators that this government is taking the issues of border security very seriously. We are committed to safe, secure borders.

As I said in a previous answer, last August 31 the Prime Minister outlined our plan to improve border security across the country. By this August, we expect to have the first group of armed border officers fully trained and in the field. We are also hiring and training 400 new border officers so that no officer will have to work alone.

In January of this year, just a few months ago, Minister Day announced an investment of almost \$500 million over five years as part of the Security and Prosperity Partnership of North America for smart, secure borders. These initiatives — and this is in answer to Senator Hervieux-Payette's question — are aimed at ensuring that trade and travellers move through our borders in a safe and efficient manner while, at the same time, protecting the security of our citizens in this country.

• (1405)

Senator Banks: To be more specific, we would be grateful to know whether, in respect of the kind of road barriers to which I refer, they are included in the plans to which the leader has just referred, the plans that the government will put into place to make our borders more secure. They are important and easy to do.

THE SENATE

RULE 91—PARTICIPATION BY NON-MEMBERS IN COMMITTEE MEETINGS

Hon. Tommy Banks: As a second supplementary question, I will return to my earlier question about membership on the National Security and Defence Committee, whose report we have been talking about.

There is a long-standing convention here, which I learned about when I first came to the Senate because we are all told to shop around and see what we like, that senators can attend the meetings of any committee. They need not be voting members but they have a voice and can attend those meetings. Do I understand

that convention correctly? If so, is the minister in agreement with that convention?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I will answer both those questions, honourable senators.

Concerning the first one, I fully understand the concerns. Often these border crossings are remote and between vast expanses of land. The Prairies are one example. Part of Minister Day's proposal is never having one person man a border station alone. However, with regard to the specific barriers to which the honourable senator refers, I will take that part of his question as notice. I am certain, because Minister Day is efficient and thorough, that this issue is being addressed as we deal with our borders.

With regard to senators attending and participating in committees even though they are not members of the committee, that is a practice of long-standing and well supported. I have gone to many committees where I have not been a member. I believe that practice is being followed to this day.

Senator Banks: Honourable senators, that practice is in fact reflected in rule 91 of the *Rules of the Senate*.

Do I understand that members of this caucus could, without fear or worry about doing so, attend meetings of any committee that they choose, and that any member of the leader's caucus would be free and clear, without any worry, to attend any meeting of any committee that they choose?

Senator LeBreton: Honourable senators, for a moment I was thinking that Senator Banks would ask me if they felt free to attend our caucus. I had a sudden rush to my heart at that prospect.

In any event, that is the case, Senator Banks. People on both sides feel free to attend, and often do attend, committee meetings even though they are not official members of the committee.

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— RESULTS OF PLEBISCITE ON MARKETING OF BARLEY

Hon. Leonard J. Gustafson: Honourable senators, farmers have been waiting patiently for the outcome of the barley plebiscite on the Canadian Wheat Board.

Does the Leader of the Government in the Senate have any information to share with the farmers today?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I was waiting for the question.

It is gratifying that when we campaigned in the last election we campaigned on marketing choice for barley and wheat. The honourable senator will be happy to know that the majority of Western Canadian barley producers — 62 per cent — are in favour of the change in the way barley is to be marketed.

A clear majority of barley producers have indicated that they want freedom to market their own product. Nearly 30,000 barley producers participated in the process, which was conducted at arm's length by KPMG. The government will now begin work with the appropriate amendments to the Canadian Wheat Board regulations to remove barley from the Wheat Board monopoly. Our intention is to make marketing choice for Western Canada's barley growers a reality by August 1 of this year.

• (1410)

CANADIAN WHEAT BOARD—MARKETING
OF BARLEY—ABILITY TO FUNCTION
AS DUAL MARKETING ENTITY

Hon. Daniel Hays: Honourable senators, I have a supplementary question. The *Winnipeg Free Press* carried a story yesterday indicating that if the government were to take the steps just described, the board would, within its powers, I assume, decline to market barley. Will the government respect the board's decision if it takes the decision to decline on the marketing of barley?

Would the minister confirm that the board's position is, and always has been, that under its current structure — that is, with no working capital and not functioning as a grain company — it could not serve its farmers in a dual marketing role and has only the ability to function as a single-desk marketer?

Would the government respect the board's decision not to market barley, and would the honourable leader acknowledge that, under its current structure, the board could not function as a grain company without working capital?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am sure many were disappointed at the comments from the Wheat Board. Our government — as I have pointed out many times in this place — believes in marketing choice. One of those choices was marketing through the Wheat Board. We still see the Wheat Board as a viable option for producers who wish to sell their barley through the Wheat Board. We would certainly hope, as a government, that the Wheat Board would continue in this capacity.

I would hope that, on reflection, as the Wheat Board members see the results and clear desire of barley producers to have marketing choice, they would want to be part of that choice. I would hope that the Wheat Board would acknowledge and want to represent those farmers who still wish to sell through the Wheat Board.

Senator Hays: I do not think it is that they do not want to market the barley; they obviously do. However, they do not think that their structure is such that they can function as a grain company, which the dual marketing role envisages.

When I asked the then president of the board whether or not the board could function as a dual marketing entity, the answer was not very clear, but I took it that the board felt that it could not do that. In fact, there have been studies and discussions that the board, if it is to become a grain company and fulfil a dual marketing role, would require, at its current size, about \$500 million in capital to function in a competitive environment among other grain marketing companies. To go into that business

with zero working capital and with a function that is strictly set out to market the different commodities of barley and the different commodities of wheat and close out each account, having made an initial payment and the final payment, just cannot be done.

Is the government prepared to allow the board not to market barley, or will it provide them with the working capital that they would require to actually function as a grain company?

Senator LeBreton: There are those who believe that the Wheat Board could function as it is now, and offer marketing choice.

With regard to the specific point of view that they cannot function, I do not believe that that is the case. I am quite certain that the Minister of Agriculture, in his negotiations with the Wheat Board, will address these concerns. I will therefore take that part of the honourable senator's question as notice and respond at a later date.

• (1415)

CANADIAN WHEAT BOARD—
RESULTS OF PLEBISCITE ON MARKETING OF BARLEY

Hon. Yoine Goldstein: Honourable senators, is it not a fact that less than one third of the barley farmers voted? Is it not a fact also that the barley farmers were given three choices, and the minister has chosen to combine two of the three choices to pretend to suggest that the two combined choices are the single choice of the barley farmers?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I am not certain, but I believe that the participation rate of the barley producers was much higher than the honourable senator states.

The barley producers felt strongly about this matter. They were given an opportunity to vote and did so. The options to retain a single desk, to go it alone or the choice to use the Wheat Board were clear. It was also clear that the percentage who wanted to go it alone without the Wheat Board and those who wanted the option to use the Wheat Board vastly outnumbered those who wanted only the Wheat Board option.

Senator Mercer: You have combined the numbers.

Senator LeBreton: The question was whether the producers wanted to go it alone or go through the Wheat Board. It is clear that the option preferred by honourable senators opposite is a monopoly for the Wheat Board, which has been lost. Barley producers have stated their preference. In all good democracies, I think we should respect the opinions of the producers, for they are the people who grow and sell their products.

Senator Goldstein: If that kind of tripartite question were asked by a Quebec separatist government, what would the honourable leader's government say?

Senator Mercer: I know what Danny Williams would say.

Senator LeBreton: There were three questions. If anyone cares to look at the exact results of the barley plebiscite, they are clearly stated on the Agriculture Canada website. If the honourable senator wants me to read them to him, I would be happy to do

so. The results on the website talk about the total number of votes cast; the number of people who voted for the single desk option; the number who supported the option for the Wheat Board or another buyer; and the group who said that the Wheat Board should have no role in marketing barley. A significant number of people in all the provinces said that the Wheat Board should have no role. Clearly, the preferred choice of barley producers in Western Canada was to market to the Wheat Board or another buyer. I would be pleased to table the document here in the Senate if that is the honourable senator's wish.

TRANSPORT

CANADA LANDS COMPANY—DEMOLITION OF ARCHITECTURAL HERITAGE BUILDINGS AT PICKERING AIRPORT

Hon. Lorna Milne: Honourable senators, in a recent editorial by Sheila Copps, she described heritage buffs as being "over the moon about the establishment of a National Trust for the preservation of Canada's rich architectural past." This idea is great. I congratulate the government, but there seems to be an enormous gap between the cup and the lip. It seems that this government is not too concerned about the architectural heritage of one area of Ontario.

Can Minister Fortier explain to this chamber why, on Wednesday, March 14, after years of negotiations with local town councils, Transport Canada demolished three buildings on the Pickering airport landsite in Markham, without ever getting a permit? These three buildings had previously been declared heritage buildings, and Senator Fortier, as Minister of Public Works and Government Services, is in charge of public lands.

Hon. Michael Fortier (Minister of Public Works and Government Services): The honourable senator does not even know what I do.

Senator Milne: Precisely.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the Honourable Senator Fortier makes the point that he has been here for a year and my friend opposite does not even know what he does.

• (1420)

Senator LeBreton: The properties that the honourable senator refers to on the Pickering land site are the responsibility of Minister Cannon, who is responsible for the Canada Lands Company.

Senator Milne: What about an answer to the question, senator?

Senator LeBreton: I will take the question as notice.

Senator Milne: In that case, I will add to what the leader may take as notice.

Honourable senators, in March of 2005, the Transport Canada Local Heritage Steering Committee was created. Its members included senior Transport Canada officials, Transport Canada

staff, local MPs, regional and local mayors and counsellors, and local heritage representatives. At that meeting, and to their credit, it was made clear by Transport Canada that vacant buildings on the Pickering Airport land site were proposed to be demolished even if they had local heritage significance. However, prior to demolition, Transport Canada would allow locally significant heritage buildings to be documented and, if possible, removed in whole or in part. Transport Canada's intended role was to facilitate local initiatives for preservation of locally significant heritage buildings.

Can the Leader of the Government in the Senate tell honourable senators how Transport Canada was managing to facilitate local initiatives by not calling a meeting of this committee before three heritage buildings on the site were demolished? At least one of those buildings was in the process of being sold, and arrangements were being made to move it to another site.

Senator LeBreton: I wish to thank the honourable senator for her question. Since the honourable senator seems to have a great deal of information on this particular group, I am at a disadvantage.

I do believe that Transport Canada and the Canada Lands Company conducted themselves responsibly here. Just so that we are sure we have all the relevant facts before us, I will take the second part of the honourable senator's question as notice as well.

Senator Milne: Honourable senators, there is also a third part to my question. It may be coincidence, but this Transport Canada Local Heritage Steering Committee, which was charged with facilitating local initiatives, has not met since this government was elected.

Honourable senators, if the Pickering Airport land site is the model for Transport Canada's approach going forward, perhaps this government is really not interested in preserving Canadian heritage at all, which begs the question: What about the other 30 heritage buildings on this site? Perhaps honourable senators will find this government's commitment to heritage architecture buried amongst the smouldering rubble.

Senator LeBreton: Honourable senators, as Senator Milne mentioned, this is a local committee. I do not know why the committee has not met, and I would be interested to know why they have not. I would be happy to add that to the honourable senator's other questions and attempt to provide a proper answer.

FINANCE

BANKRUPTCY AND INSOLVENCY LAW— INTRODUCTION OF AMENDING LEGISLATION

Hon. Yoine Goldstein: Honourable senators, tucked into the deep abyss of last Monday's budget material was a provision dealing with protection of financial institutions as parties to complicated financial derivative contracts in the event of the insolvency or bankruptcy of a co-contracting party dealing with that financial institution. That provision has about as much relevance to a budget as a bicycle has to a fish.

Senator Mercer: Don't tell Minister Flaherty that, now.

Senator Goldstein: Yet, we find the provision in the budget documentation as a proposed amendment to the bankruptcy and insolvency legislation of this country. Obviously, the provision is there in the budget, of all places, as a result of lobbying pressure by financial institutions frustrated by the inactivity of this government with respect to bankruptcy legislation.

On the other hand, a year and a half ago, this chamber passed a law, Bill C-55, now Bill C-47, which established a wage earner protection scheme to protect wage earners whose employers had gone bankrupt. That would have been proper subject matter for inclusion in a budget. Obviously, however, it was not there.

• (1425)

Wage earners and their problems do not appear to be anywhere near as important to this government as financial institutions who need a particular favour from government and get it by the inclusion of a protection of their flank, which is not appropriate subject matter for a budget and which hides the inclusion of this provision in flowery language dealing with international trade and commerce.

Can the Leader of the Government tell us when this government will muster the political will — and if not the political will, at least the common decency — to give wage earners the protection they need in the event of a bankruptcy by presenting a bankruptcy and insolvency bill in the other place? Or does this government want to protect only large financial institutions, which do not need this protection?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, I did note the honourable senator's reference that "it has as much relevance as a bicycle to a fish." When I was a kid, I used to take my bicycle to go fishing. I think a lot of kids did that; so there is some relevancy there.

With regard to wage earners, it is fair to say that wage earners in Canadian families did very well by the budget.

In terms of the old Bill C-55 and bankruptcy, I do acknowledge the honourable senator's long-standing interest and concern on this particular matter. As I reported to the honourable senator personally, and I know Senator Angus has done so as well, we are hoping to bring this matter to some reasonable solution in the near future.

I will take the honourable senator's question as notice and pass on to the Minister of Finance the honourable senator's particular views on how to properly prepare for a budget.

ORDERS OF THE DAY

APPROPRIATION BILL NO. 4, 2006-07

THIRD READING

Hon. Nancy Ruth moved third reading of Bill C-49, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

• (1430)

APPROPRIATION BILL NO. 1, 2007-08

THIRD READING

Hon. Nancy Ruth moved third reading of Bill C-50, for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to and bill read third time and passed.

CANADA ELECTIONS ACT

BILL TO AMEND—THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Oliver, for the third reading of Bill C-16, to amend the Canada Elections Act, as amended.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to, on division, and bill read third time and passed.

CANADA TRANSPORTATION ACT RAILWAY SAFETY ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Keon, for the second reading of Bill C-11, to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts.

Hon. Rod A. A. Zimmer: Honourable senators, it is my pleasure to speak on Bill C-11, to amend the Canada Transportation Act and Railway Safety Act and to make consequential amendments to other Acts.

As the Honourable Senator Segal noted in his speech at second reading last week, this bill represents the second legislative measure in a suite of transportation bills that began with Bill C-3, respecting international bridges and tunnels, and will culminate in the introduction of a third bill, which will address shipper protection remedies. I have met with Transport Canada officials twice, and I am told that the Minister of Transport, Infrastructure and Communities hopes to introduce the third bill in the other place in the near future.

Bill C-11 deals with general provisions; air provisions; provisions concerning passenger rail, including urban transit; and the grain revenue cap. Today, I would like to address some of its most salient aspects. Naturally, there is significant interest in this bill on the part of stakeholders, so I will also share some of what I have heard about the bill from industry groups. Like its two predecessors, this bill proposes to amend the Canada Transportation Act, which came into effect in 1996, with a view to modernizing and streamlining rail regulation, among other objectives. In 2001, the act underwent a thorough statutory review, which included extensive consultation with stakeholders. The fruit of those discussions was used to develop two bills: Bill C-26 was introduced by the Honourable David Collenette during the second session of the thirty-seventh Parliament and Bill C-44 was the Liberals' second attempt at amending the act, this time during the first session of the thirty-eighth Parliament. Neither bill made it through to Royal Assent, but the bill that is now before us follows the lead of the latter with a few notable exceptions.

With respect to the Canadian Transportation Agency, Bill C-11 would reduce the number of members from seven to five, a move that the Minister of Transport, Infrastructure and Communities stated would result in financial savings. Honourable senators, considering the proposed expansion of the agency's mandate through the addition of several roles, the merits of this reduction will surely be assessed when it is referred to the Transport Committee.

This bill would also give the agency the authority to adjudicate disputes related to railway noise and vibrations. Railway operations are undertaken in many Canadian communities, including my home city of Winnipeg, and noise disputes sometimes arise between residents and railway companies. Although citizens adversely affected by noise from railway operations can make a formal complaint to the company or seek civil action through the courts, no federal body is currently mandated to regulate railway noise.

Bill C-11's enactment will give the Canadian Transport Agency the power to review noise complaints and, if required, order railway companies to make changes to reduce unreasonable noise when constructing or operating a railway or a rail yard. However, before stepping in, the agency would need to be satisfied that the parties were unable to reach a voluntary settlement of the dispute on their own.

Honourable senators, another provision I welcome concerns the advertising of air fares. On the recommendation of the Minister of Transport, Infrastructure and Communities, the agency would be empowered to make regulations to ensure that the advertising of prices for air services include enough information to allow the consumer to identify the cost quickly and easily. Bill C-11 would

provide for a one-time maintenance adjustment for government hopper cars, expected to save producers \$2 per ton or \$50 million annually. It would also provide for future maintenance adjustments for the cars, and would allow flexibility in terms of when such adjustments could be made during a crop year.

This bill also proposes to move the Canada Transportation Act provision dealing with railway police to the Railway Safety Act.

Honourable senators, I and other members of your Transport Committee have learned that Bill C-11 enjoys the support of several players in the commuter rail industry. Its enactment would give the Canadian Transportation Agency the authority to decide matters such as compensation and the use of railway facilities or services when publicly funded passenger service providers cannot negotiate a commercial agreement. The amendments would also expand the provisions on railway line transfers and discontinuances to cover rail corridors in urban areas that could be used for urban transit purposes. Given the importance of public transportation services in helping to address environmental challenges such as urban congestion, and to improving the quality of life of urban dwellers, I am pleased with these provisions.

Currently, the Minister of Transport, Infrastructure and Communities may, with the approval of the Governor-in-Council, make regulations requiring entities such as carriers who are subject to the legislative authority of Parliament to provide information to the minister. The purposes for which the minister may collect data include "any infrastructure requirement" and "operational planning," among others. Bill C-11's enactment would also allow the minister to acquire data on the grounds of security, including from intermediaries in transportation movements.

At first glance, this provision seems to emphasize public safety. However, your Transport Committee may inquire about its possible future effects on privacy.

Honourable senators, Bill C-11 proposes an increase in the time period for the mandatory statutory review of the Canada Transportation Act to eight years from the current four years. I have heard from Transport Canada officials that this longer window will enable the department to observe better the impacts of statutory changes on industry structure and performance. They have said the current four years provides insufficient time to assess and measure these impacts.

At least one industry group has presented a different view of this requirement. It has been argued that the volatile nature of our international marketplace and the rapid pace at which change is occurring requires shorter time periods between reviews of legislation whose relevance is directly affected by such changes.

• (1440)

The group making this point is a coalition of shippers of Western Canadian natural resource-based products. I am confident that its input will be considered during the committee's review of this bill.

Honourable senators, Bill C-11 would also amend the policy declaration that underpins the Canada Transportation Act by including the principle that rates and conditions should not constitute an undue obstacle to the movement of traffic within

Canada, or to the export of goods from Canada. This represents a basic assumption that is of particular importance to industry groups such as grain shippers.

Honourable senators, I would be remiss if I did not acknowledge the work of the members of the Standing Committee on Transport, Infrastructure and Communities in the other place. All parties had a say in the amendments that were made, some of which I would like to take a few moments to highlight.

There was a reduction in the time that the Canadian Transportation Agency has to resolve a dispute from 60 to 30 days. Provisions were also amended to ensure that mediation can be used instead of arbitration to resolve additional disputes involving the railways that are outside the agency's jurisdiction. This mediation would be undertaken upon agreement by all of the parties to the dispute, and would be done on a cost recovery basis.

The committee also amended a provision to say that the minister "shall," rather than "may," publish guidelines with respect to transportation company mergers. Another amendment compels the minister to submit to Parliament a brief overview of the state of transportation in Canada on an annual basis, and a more extensive report every five years. In light of the Canadian Transportation Agency's new role with respect to air travel complaints, a section was added that obliges the agency to report on complaints in some detail in their annual report. Several other positive amendments were made to Bill C-11 and we are grateful for the committee's diligent review.

Honourable senators, when we were in Vancouver recently, your Transport Committee heard from an agricultural shipper, and some senators have received correspondence from and, in some cases, met with other natural resource shippers. Those who have contacted us have expressed concerns about the level of service being provided by the rail companies, among other issues.

Transport Canada officials have indicated that negotiations concerning the provisions of a dedicated third bill are ongoing with shippers and rail companies. We are told that the forthcoming bill will strengthen several existing shipper remedies and add a few new ones, building on what had been included in the former Bill C-44.

Honourable senators, your Transport Committee is presently tasked with assessing the amended Bill C-11, including hearing from stakeholders, and in our review we will endeavour to strike a balance between care and promptness.

Motion agreed to and bill read second time.

[Translation]

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Transport and Communications.

[English]

EMERGENCY MANAGEMENT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Meighen, seconded by the Honourable Senator St. Germain, P.C., for the second reading of Bill C-12, to provide for emergency management and to amend and repeal certain Acts.

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak to Bill C-12, known as the emergency preparedness bill, directed at strengthening the federal role in organizing and managing resources in response to states of emergency in Canada.

I would like to commend my colleague Senator Meighen on his excellent speech prior to the break, and to further congratulate him on his wisdom in supporting this bill, which is the result of the efforts of the previous Liberal government and its commitment to the safety of all Canadians.

Honourable senators, the world abruptly changed on September 11, 2001. Canada is not untouched by the actions of that day, and the safety of our citizens has become of paramount importance. However, it is not only the direct actions of terrorists that have led to this circumstance. In the years since 9/11 we have dealt with the SARS outbreak in Toronto, forest fires in British Columbia, the bird flu epidemic and the evacuation of Canadian citizens from Lebanon. In fact, the number of natural disasters in Canada has been growing steadily by the decade. When weather-related incidents are measured alone, in the 1950s we experienced less than 30 disasters. In the 1990s, we suffered through 150 weather-related disasters, including the floods in Manitoba and the devastating ice storm of 1998 in Quebec.

It is in this light that we must understand the need for a coordinated approach to not only manage emergencies in Canada but also to prevent them as much as possible. Thus, the introduction of Bill C-12.

According to the Department of Public Safety and Emergency Preparedness Canada, there are two principles on which this legislation is based. First is the fact that the federal government respects the jurisdictions of the various players, the provincial and territorial governments and the roles of their municipal governments in disaster response. The second principle is that the federal government must continue to provide the appropriate financial assistance to the provinces and territories as well.

Also recognized in Bill C-12 is the role played by nongovernmental organizations, as well as the private sector. Another importance aspect of this bill is contained in clause 3, wherein the minister's responsibilities are set out. Clause 3 notes:

The Minister is responsible for exercising leadership relating to emergency management in Canada by coordinating, among government institutions and in cooperation with the provinces and other entities, emergency management activities.

In the past, the responsibility for the coordination of the federal response would fall to the Solicitor General, and some fell to the Minister of National Defence. That responsibility now falls to the Minister Responsible for Public Safety and Emergency Preparedness. In light of the current situation with the Minister of Defence understandably preoccupied with Afghanistan, it is timely that another minister should take the lead in this role. Under this bill, the Minister of Public Safety and Emergency Preparedness would be responsible for coordinating the response of all federal departments in emergencies.

The bill lays down the manner in which the levels of government would coordinate their activities: federal, provincial and municipal. The legislation also recognizes the role to be played by non-governmental organizations such as the Red Cross.

It is up to the minister to develop the policies and programs that would direct the federal response by other ministries. According to James Deacon, the Director General of Public Safety and Emergency Preparedness Canada:

Bill C-12 allows for innovation and the building of community consensus by all levels of government. However, it does provide for the development and implementation of joint programs, national exercises, training, education and research related to emergency management and, very importantly, the promotion of public awareness regarding emergencies.

Furthermore, there are also proposed changes to the Access to Information Act. The need to access information from the private sector for the prevention of emergencies or in the course of dealing with an emergency is recognized in this bill. The information that is subject to these amendments to the Access to Information Act are technological. There is no personal information included.

• (1450)

As I mentioned earlier, one of the goals of Bill C-12 is to maintain respect at the federal level for the jurisdiction of the provinces and to recognize the importance of the role of the municipalities as the first responders to many of the different types of emergencies that might occur in Canada.

In the other place, there was considerable discussion involving the role played by the municipalities in disaster scenarios. The Federation of Canadian municipalities, FCM, appeared at committee represented by their Chief Executive Officer, Mr. James Knight. According to Mr. Knight, the municipalities are the first responders in 95 per cent of emergencies that occur in Canada. It is the view of the FCM that they are missing out on some of the funding increases made available by the federal government. As mentioned earlier, there is a general belief across the board that due to factors such as climate change and the resulting natural disasters that seem to be occurring seasonally, and incidents such as SARS, there will be an ever increasing need to ensure that these municipalities are appropriately funded.

As the FCM explained in their appearance, it must be understood that in many cases the cities of this country bear much of the financial burden as well. They noted that much of the infrastructure involved in disasters is owned by the municipalities: water supply systems, waste water systems, electrical supply

systems, transportation networks and transit systems. Though the municipalities are recognized as creatures of the provinces, it is very important to recognize in this chamber, if only in this speech, the importance of their role in dealing with disasters of all kinds.

The Standing Senate Committee on National Security and Defence learned much while conducting hearings on local emergency preparedness in British Columbia and Alberta this past January and February. The presentation by the City of Vancouver regarding its emergency management plan was most illuminating. Of course, Vancouver is unique at this time for its wide variety of possible scenarios for which it must prepare, such as last year's Asian bird flu threats, the threat of earthquake on the West Coast, and security preparations for the 2010 Olympic Winter Games to be held in Vancouver and Whistler. All of these have led to a truly unique set of circumstances for that city.

Currently, the local government provides policy direction and controls overall response coordination until it is deemed that the disaster exceeds that government's ability to cope. If this proves to be the case, the local government can request assistance through the Provincial Emergency Program, PEP. The top priorities identified by the city in response to an emergency are to save lives, reduce suffering, protect infrastructure and property, protect the environment and reduce economic and social loss.

Relationships between levels of government in times of emergency were described by the witnesses as "strictly defined." The relationships were described in the following way: local government directly interacts with other local governments and the province; the province directly interacts with local governments, other provinces and the federal government; and the federal government directly interacts with the provinces and the international community.

Another aspect of Bill C-12 is the question of funding levels. As I pointed out earlier, one of the fundamental underlying principles of this bill deals with providing appropriate funding to the provinces and territories. As we learned in Vancouver, there are some concerns to be ironed out. The Joint Emergency Preparedness Program, JEP, as mentioned by Senator Meighen, is one of the programs at the federal level that provides funds to the provinces on a 50/50 sharing basis. It was learned during the hearings of the committee that no money is available through this program for ongoing training costs. It is these training costs that are causing the City of Vancouver such a problem. The committee heard that the training costs exceed the city's financial capabilities and that those costs relate primarily to the use of training facilities that are located only in Eastern Canada. As well, Vancouver is facing, with difficulty, the increased costs of the emergency capabilities required for the 2010 Olympics, which will allow Canada to enjoy the international spotlight.

Two recommendations were made to alleviate some of the financial strains: make more training available locally; and second, a commitment to funding for first responder training by the federal and provincial governments. As well, it was remarked that the JEP grant process was found to be cumbersome, and that it requires a 50 per cent contribution from local governments that often cannot afford this financial burden. The City of Vancouver suggested, and I assume all Canadian municipalities would agree, that the process be streamlined, that restrictions on funding be lessened and that local government contribution in the form of staff resources be recognized.

Officials of the City of Calgary advised the Defence Committee that its funding for dealing with chemical, biological or nuclear disaster fell far short of national targets and that more federal funding would be required. We learned that there is a 72-hour window before federal help could arrive in such an emergency and that the City of Calgary could manage for only six to 18 hours. Representatives of that city estimated that an additional \$2 million to \$3 million would be required from all three levels of government in order to purchase the equipment and to provide the required training to meet those national targets.

I have expressed my concerns for the need for municipalities to be involved in the funding discussions that will flow from Bill C-12 so that they can receive the necessary training and equipment to prepare for emergencies. Having made these comments, I will support Bill C-12, and I urge that it be now referred to the Standing Senate Committee on National Security and Defence for further study.

The Hon. the Speaker *pro tempore*: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker *pro tempore*: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Special Senate Committee on the Anti-terrorism Act.

FOOD AND DRUGS ACT

BILL TO AMEND—THIRD READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Dallaire, for the third reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Comeau*)

Hon. Ethel Cochrane: Honourable senators, I am pleased to have an opportunity to speak to Bill S-205, to amend the Food and Drugs Act relating to clean drinking water.

First of all, I want to commend our honourable colleague for not only taking a proactive stance and recognizing the importance of clean drinking water but also for his desire to ensure that all Canadians have access to this essential resource. As others have mentioned, this bill was recently passed unanimously and without amendment by the Standing Senate Committee on Energy, the Environment, and Natural Resources.

When I spoke at second reading, I expressed my concerns regarding the constitutionality of Bill S-205 and my reservations that, despite its noble intentions, this bill would essentially add

another layer of bureaucracy to an already complicated network of players. At committee stage, however, I was pleased to hear an official from Justice Canada provide an opinion on the bill. Ms. Elin O'Shea, Counsel from the department's Constitutional and Administrative Law Section, told the committee that although arguments can be made to the contrary, she saw absolutely nothing under the division of powers that would prevent Parliament from enacting a bill pursuant to the criminal law of power as this bill proposes.

• (1500)

With regard to my second issue, especially the problem of bureaucratic red tape, I remain concerned. I concede, however, that our present system is rife with red tape. While Bill S-205 would not change this, I believe that it would offer Canadians a greater sense of security and confidence in their drinking water systems.

Senator Grafstein and others have spoken of the problems facing communities across this country when it comes to quality drinking water. I would like to give you a recent example to further illustrate this point. Last month, media in my province reported on the problems with the water supply in Gaultois, Newfoundland and Labrador. There are roughly 300 people living there and for about a month they were only able to use their town water supply for washing clothes and flushing toilets. They could not use this water for drinking or for cooking or for brushing their teeth. According to media reports, residents were forced to use a private artesian well to obtain their drinking water at this time.

Honourable senators, Gaultois is just one of the many communities to endure such a hardship. As we know, the drinking water issues on First Nations communities have been especially worrisome. Recently, I was pleased to learn that progress has been made since Minister Prentice announced his plan of action in March of 2006. On December 7 of last year, evidence of this progress was presented in a report tabled in Parliament. I would like to share some of that evidence with you. First, the number of high-risk drinking water systems decreased from 193, which is 26 per cent of all systems, to 114, which is 15 per cent of all systems.

I want to be very clear, honourable senators, that this risk-ranking does not reflect whether or not the water is safe to drink. It merely indicates what the chances or risks are that the system will be unable to produce safe drinking water. Therefore, I would like to stress that a high-risk system can still yield safe drinking water. It is the role of drinking water advisories that indicate whether or not water is safe to drink.

The second point is that of the 21 priority communities, six have had their drinking water advisories removed. It is anticipated that seven more should have them removed by this month. The number of communities with water issues, because of high-risk water systems and/or drinking water advisories, has decreased from 224 to 133.

I am pleased to see that there has been recent progress at the federal level, and am further heartened by the recent federal budget which includes support for investments by provinces, territories and municipalities to improve water and waste water infrastructure.

Honourable senators, it often seems daunting to even think about how much more needs to be done with regards to drinking water in this country. What is clear is that the situation facing Canadians in places such as Gaultois and First Nations communities is simply unacceptable in a country as great as Canada in this year, 2007.

Honourable Senator Watt recently sent our office an interesting and startling report on the high cost of living in Nunavut. Honourable senators, I was struck by something I read in that package. It described, with the exception of one community, how there were no municipal aqueducts or municipal sewage systems in that area in part because of the permafrost. Houses, therefore, must have their own drinking water. Some people think bottled water seems to be the viable short-term option. However, Senator Watt noted that in Montreal a 1.5 litre of bottled water is sold for 99 cents. The same bottled water in Nunavut sells for \$4.49.

Honourable senators, I think it is those sources of practical facts that are important for us to consider when we examine these issues in this place. Since the Walkerton tragedy in 2001, governments in every province and territory have strengthened their legislative, regulatory and policy regimes to protect drinking water. This is encouraging. However, despite these improvements, there are still people in this country who do not have access to clean, safe, drinking water.

In the meantime, stories of drinking water continue to appear in media right across the country. On March 7, the city of Montreal issued a warning to pregnant women and young children to abstain from drinking tap water in certain areas. That is precisely why it is so important for this chamber to address the issue of drinking water and why I applaud the tireless efforts of our colleague.

The Hon. the Speaker pro tempore: Question?

On motion of Senator Comeau, debate adjourned.

NATIONAL PHILANTHROPY DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-204, respecting a National Philanthropy Day.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, time has not permitted me to prepare appropriately for this debate in which I wish to participate, particularly about the value and the importance of philanthropy in our country and the great contributions that philanthropists have made to Canada and to Canadians.

I would inform this chamber that when we return from our Easter recess, I will continue with this debate. I should like to adjourn the debate in my name for the remainder of my time.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

On motion of Senator Di Nino, debate adjourned.

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, that Bill C-288 be not now read a second time, but that the subject-matter thereof be concurrently referred to the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Energy, the Environment and Natural Resources;

That the committees report back no later than December 31, 2007; and

That the Order to resume debate on the motion for the second reading of the bill not appear on the *Order Paper and Notice Paper* until such time as both committees have reported on the subject matter of the bill.—(*Honourable Senator Stratton*)

Hon. Grant Mitchell: Honourable senators, I am speaking to the amendment. I rise to speak briefly, and with a good deal of trepidation, because I want to respond to Senator Murray's comments yesterday on the question of the powers of private members through their bills to influence the actions or to direct the actions of government. I say "with trepidation" because Senator Murray and I are at opposite ends of the timeline in this place, although he still has a long way to go, I hope.

I have read much of what he has written and I am inspired by much of that in turn.

• (1510)

However, there is an irony in that. I have most recently addressed his article in Senator Joyal's book where Senator Murray properly laments the weakening of the powers of the House of Commons to hold the executive to account. In that context, I venture several comments in disagreement with his points yesterday on his concern that private members, through their bills, should not be able to force a government to do something that it does not want to do.

Honourable senators, I would argue that view begs the question of private members having the ability to develop bills. There is some history to how the power has emerged to work with bills, present bills and vote on bills. To now curtail those powers in the way that Senator Murray has suggested would deny the evolution of those powers not all that long ago to the point now where we have votes on private members' bills.

Senator Murray has mentioned to me — I am not sure that he did so in the speech yesterday — that, rather than have the opposition, through private bills, force the government to do something that it does not want to do, the opposition should simply defeat the government and remove its confidence if it is unhappy with government. The quick answer to that view would be, similarly, if the government is being forced to do something that it does not feel it can do to govern properly, or something it does not want to do, then it could call an election. It seems to me that, at the minimum, there is a trade-off there. One argument neutralizes the other. Certainly, it does not trump it. However, the question still remains: What is the use of private members' bills, particularly private members' bills upon which the House can now vote, if those bills cannot direct the government to do anything?

There would be almost no point in having bills under those circumstances except to make a point. Of course, they already have motions that are not confining or not directive of government but are merely suggestive. In that context, then, private members' bills that we can vote on but that could only be suggestive would be no more than private members' motions that we can vote on but can only be suggestive.

Honourable senators, I believe, like Senator Murray — and I have said this before — that the parliamentary system of government is perhaps the most successful system of government on the face of the earth. It has lasted, I would argue, longer than any other form of government. It does so for many reasons. There are checks and balances and mechanisms by which consensus can be built. Political parties, contrary to the bias, I would argue, of the Conservative government, do play a legitimate, institutionalized role, and they are responsible in part for, and have contributed to, the success of this system. One reason it is successful is that it has evolved to meet different pressures, to respond to different public issues and to allow for cultural changes in the broader sense, political culture changes, to be absorbed and adjusted to.

While I am not a hawk, if I can put it that way, on democratic reform for the sake of democratic reform, because I believe that this system is so successful in large part because of the way that it is, I do believe that there must be response where response is due, and some of that response must be institutional. There is a fundamental difference in our citizens' view of its institutions. Perhaps over the last 20 or 30 years, that has evolved. It has become clear that citizens demand more responsiveness than they feel they receive from their institutions.

Out of that change and out of those pressures have come a great deal of pressure for rules changes in the House of Commons and in legislatures. Some 15 years ago, when I was house leader in the legislature of Alberta, I had the privilege and the wonderful experience of bringing in a variety of institutional, democratic reform changes for the processes in the Alberta legislature. Among other things, we began electing the Speaker and we began voting on private members' bills. Similarly, those processes have evolved here, and there are votes on private members' bills here. I would argue that evolution has been largely in response to the demands of the citizenry for having a more responsive parliamentary process, for putting greater expectations on their elected members and for allowing those elected members to respond to and fulfil those expectations.

If those expectations had been responded to as they have been in the House of Commons, by allowing votes on private members' bill, there is no point in voting on private members' bills. Therefore, that response is vacuous if those bills cannot be written with force and with direction. The system is successful, and it is a great system of government. It is successful because it has evolved and allowed for adjustments and responsiveness. One important feature of responsiveness has been the changes to private members' bills, and to insist that these bills cannot direct government is to gut their usefulness. If it is simply another opportunity to make another point, then allow them to make more motions and move more motions that properly are suggestive.

Honourable senators, I rest my case at the knee of Senator Murray. I suggest that if it is as the opposition argues, namely that the opposition should simply withdraw its confidence in the House if it is unhappy and wants the government to do something that it is not doing, I would respond by saying that the reverse should also be true. If the government is forced to do something that it does not want to do, it should simply call an election. It certainly has the constitutional privilege and power to do that.

Hon. Tommy Banks: Honourable senators, on the same subject, the amendment, senators know how hard it is to take our eyes off a terrible accident that is about to happen. I am about to engage in an argument with Senator Murray on a point of constitutional convention.

Senator Day: Eyes wide open.

Senator Tkachuk: Eyes wide shut.

Senator Rompkey: Someone help that man.

Senator Banks: I will be the victim; I have no doubt.

Someone last week, and I think it might have been Senator Murray himself, raised the old saw, and it is true, namely, that if you know little about something, it is best to sit quietly in the corner and say nothing and have some people think that you are a fool, rather than to speak and remove all doubt. I am opting for the latter, which will prove that, although I am a fool, I have more guts than Canada Packers.

Senator Murray made the point yesterday that Bill C-288 and its counterpart on another matter have the effect of turning Parliament upside down. He suggested it is the business of the ministers of the Crown who propose legislation and that Parliament ought not to be able to force the government to do something to which the government is unalterably opposed and has said that it is opposed. The only reason I have the temerity to stand up is because it reminded me of an event that I looked at in respect of another matter. It is not all that analogous but it does have a point. I promise I will get to it.

It was a matter in the United Kingdom, a rather infamous case having to do with the management of the pension fund of a fire brigade. The government of the day of the United Kingdom decided that it did not like — and it had always said so — one section of a bill that was passed by Parliament. The government, in the person of the Home Secretary in this case, announced in Parliament that the government would not do the thing it was required to do by the section of the act with which it disagreed. The fire brigade took this matter to the courts and it ended up in

front of the Law Lords, who found in favour of the plaintiffs — the fire brigade — against the government. They found that the government and the Home Secretary were wrong to say that the government did not agree with this provision of the act and, therefore, did not intend to do what was required.

• (1520)

For the sake of argument, and to provide a springboard for further questions, I will read into the record excerpts from the decision of the Law Lords, which was on a case specifically as I have described it, which is not analogous to the present situation but is to some degree cogent.

These are excerpts of the written judgements of the Law Lords in a case called 180 NR 200 (HL) in the United Kingdom.

Lord Browne-Wilkinson:

... it would be most surprising if, at the present day, prerogative powers could be validly exercised by the executive so as to frustrate the will of Parliament expressed in a statute and, to an extent, to pre-empt the decision of Parliament ...

Lord Mustill, in his judgment, observed that:

... Parliament has its own special means of ensuring that the executive, in the exercise of delegated functions, performs in a way which Parliament finds appropriate ... for it is the task of Parliament and the executive, not the courts, to govern the country. In recent years, however, the employment in practice of these specifically Parliamentary remedies has on occasion been perceived as falling short, and sometimes well short, of what was needed to bring the performance of the executive into line with the law, and with the minimum standards of fairness implicit in every Parliamentary delegation of a decision-making function.

Penultimately, Lord Lloyd of Berwick said:

It might cause surprise to the man on the Clapham omnibus that legislative provisions in an Act of Parliament, which has passed both Houses of Parliament and received the Royal Assent, can be set aside in this way by a member of the executive. It is, after all, the normal function of the executive to carry out the laws which Parliament has passed, just as it is the normal function of the judiciary to say what those laws mean.

Finally, Lord Birkenhead said:

Parliament enacts legislation in the expectation that it will come into operation. This is so even when Parliament does not itself fix the date on which that shall happen.

I read those quotes into the record, honourable senators, to contribute to the argument with respect to a point that Senator Murray raised.

On motion of Senator Comeau, debate adjourned.

CANADIAN NATIONAL VIMY MEMORIAL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial, begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.
—(Honourable Senator Banks)

Hon. Tommy Banks: Honourable senators, people much more qualified and knowledgeable than I have spoken to this inquiry, but I want to put it in context which I think sometimes is forgotten.

We talked about the sacrifice at Vimy and the battle itself, but it is worth remembering that, in respect of the war, it was really the tip of the iceberg. In remembering Vimy, we need to think about the fact that Canada had a population of 7 million at that time, that 620,000 men and women served in the Canadian Expeditionary Force and that 66,000 of them died in that war — about the same number of men and women as are presently functional in the Canadian Armed Forces of today.

The Canadian National Vimy Memorial was officially unveiled by His Majesty King Edward VIII who, while he had been the Prince of Wales, had served on the staff of the Canadian Corps in France. He was accompanied on that occasion by the President of France, Albert Lebrun. On that day, they released the folds of a giant Union Jack that had been covering the figure of Canada, which was represented as a sorrowful woman, a young nation mourning her dead. She was carved from a single 30-tonne block of stone, the largest single part of the monument.

I wish very much that I could be part of the delegation going to Vimy for the April 9 celebrations. Unfortunately, I cannot. It is a pilgrimage that all Canadians should make, and that I intend to make as soon as I can.

I thank General Dallaire for bringing this matter to our attention. I wish him good luck on that visit and ask that he carry with him the heartfelt wishes of all Canadians.

Hon. Hugh Segal: Honourable senators, I want to add a word regarding the intervention made by Senator Atkins yesterday relative to his own father's very distinguished service at the front and at Vimy. He made reference to the Queen's Battery. Many people will know of Senator Atkins' long association with Queen's County, New Brunswick, and some may have thought that that was the reference. The reference, in fact, is to the battery assembled by the students and faculty of Queen's University in Kingston, Ontario, of which his father was a proud alumnus.

Hon. Joseph A. Day: Honourable senators, I would like to join in the debate on this inquiry. I wish to thank Senator Dallaire for bringing this matter to our attention. We will not be here on April 9, which is the actual commemoration date. I welcome the opportunity to support the work that has been done in restoring the Vimy monument and to thank Senator Dallaire for serving on the Vimy Memorial Conservation Advisory Committee.

• (1530)

Senators perform services in many different ways; this is just another example of how they are able to serve and perform worthwhile tasks for the Canadian people. We salute Senator Dallaire for that.

Honourable senators, I ask you to take a moment to view the eight paintings that adorn this Senate chamber. Each of these paintings depicts a scene from the First World War. Destruction, suffering, duty and honour are words that come to mind as I reflect upon these historic works of art. They are prominently displayed here in the Senate and are a constant reminder to us that generations before us gave the last full measure of devotion in the valiant fight to preserve peace and justice.

These paintings were commissioned by Lord Beaverbrook, a well-known New Brunswicker. Before he was made Lord Beaverbrook, which is the name of a small brook near his home in the Miramichi, Sir Max Aitken — New Brunswick born — had planned them as a testimonial and a tribute to the heroism and sacrifice of Canadian soldiers. This booklet is very helpful in that regard and I would commend it to you.

For those who have had an opportunity to visit the Canadian National Vimy Memorial, my words will do it little justice. Simply put, the monument, which was originally completed in 1936 by Toronto sculptor Walter Allward, is one of the most humbling and awe-inspiring war memorials ever constructed. With its two distinctive towers rising some 70 metres above the farmlands and rolling hills, the Vimy Memorial is a sight that brings to Canadians a sense of patriotism like few others.

Moreover, honourable senators, the figures representing peace, justice, truth and knowledge — as well as the 11,285 trees and shrubs that have been planted surrounding the monument to represent Canadian soldiers who have no known graves — serve as a timeless reminder of what these people fought for and the huge price that was paid for the preservation of peace as we know it today.

On Monday, April 9, 2007, as many as 5,000 young Canadians will travel to Vimy, sponsored by Veterans Affairs and the Government of Canada, for the ceremonies to mark the 90th anniversary of the Battle of Vimy Ridge and the rededication of the restored Canadian National Vimy Memorial.

The thousands of youth travelling to Vimy should be looked upon as an important symbol to the 619,000 Canadian soldiers who served in the First World War. It is through the youth of our country that the stories of tragedy, triumph and heroism will be passed on through the generations. That is why I support wholeheartedly the sending of youth to this rededication.

The Battle of Vimy Ridge marked a profound turning point in the First World War. For the first time, all four Canadian divisions that were fighting in Europe, and which had traditionally fought alongside either their British or French counterparts or were used as reserves to fill gaps in the ranks, fought together under the command of a Canadian general, Major-General Arthur Currie, toward the main objective — the capture of Vimy Ridge from the grips of the enemy.

Because of its elevated position, Vimy Ridge held immense military importance. Its highest point, referred to as Hill 145, rose 470 feet from the fields below, which created a daunting challenge to any force intent on taking control of the position. Indeed, this task proved too much for previous Allied attackers, as the Germans held their positions on Vimy Ridge in the face of Allied attacks for more than two years.

It must be noted, honourable senators, the military control of the ridge was not only important strategically, it was important symbolically. It had been 18 months since the Allied forces had recorded a major military victory, and the morale was low following the devastating losses suffered by Canadians and others at the Battle of the Somme.

This was 1917, three years after the beginning of the war, after young Canadians had long since lost that adventurous spirit they had when they left Canada in 1914. It was after a cold winter of living in the trenches in northern France; 600,000 Allied soldiers had been killed or mutilated on the Somme, 24,000 of whom were Canadians. Lieutenant-General Byng was determined that there should be no repetition of the Somme tragedy that had seen thousands of soldiers with little training and even less experience ordered to advance against German machine-gun fire.

In order to capture this important position, Canadian success depended, among other things, upon inventiveness and creativity. The use of tunnels to transport men and equipment, the ability to store ammunition in proximity to where it was required and the capacity to bring electricity and telecommunications to the forward positions were essential to the success on the battlefield of Vimy Ridge. Digging trenches and tunnels and building miles of underground railways was not glamorous, but they proved to be the vital component of the Canadian victory at Vimy Ridge.

In Pierre Berton's book *Vimy*, he outlines that in December 1916, Lord Byng had given Sir Arthur Currie, his senior divisional commander and most trusted general, two main tasks. First, Currie was to analyze the Battle of the Somme and report on the lessons learned. Second, he was to advise Byng how those lessons might be applied to infantry tactics and training for the Vimy assault.

Following Currie's assessment of the Somme and further assessments of the French battle at Verdun, Byng and Currie decided that every Canadian soldier would be told the details of the attack, with the exception of the date of the attack. As a result, each soldier would have an understanding of his own objectives, as well as the objectives of others.

This type of thinking was revolutionary and meant that, if necessary, a private could replace a corporal and so on. In preparation for the assault on Vimy Ridge, the Canadian Corps distributed 40,000 maps, dealing with the entire assault, so that every section of a group of six to nine men was aware of the objective.

Symbolism can be found in this strategy. Just as the Allied leaders had put their trust in four Canadian divisions to attack Vimy as a unified front, Byng and Currie had put their trust in Canadian soldiers to command themselves responsibly with information that was traditionally not given to the soldier.

Despite these lessons, which had been learned through previous battles, Canadian success at Vimy came at a very high and heavy price. Throughout the four-day assault, there would be more than 10,000 Canadian casualties, of which 3,598 never came home. That is 3,598 soldiers killed in that battle. These are staggering numbers that most Canadians find difficult to comprehend.

These were young men, many of whom joined the Canadian Forces full of youthful vigour and desire for adventure, instead of remaining home to finish high school. They left their families and friends as boys, and they were soon faced with the terrible reality and confusion of global conflict.

I would like to read a stirring account from Pierre Berton's book, which depicts a frightening, yet sobering moment during one young soldier's time at Vimy.

• (1540)

Will Bird, who reached France at the end of December, 1916, spotted his first uncaptured German on the second night of sentry duty. Shivering at his outpost in No Man's Land, the young Nova Scotian could hear the Germans walking about in their trenches (and) coughing in the cold. . . . Suddenly a Canadian flare burst in the sky above, bathing the German position in an eerie light. There, standing waist high in the opposing trench, less than a hundred yards away, was a young boy — no more than a teenager. Both men froze as they'd been taught to do when a star shell exploded, but Bird knew the boy had seen him. They stared at each other for a moment, two young men made enemies by forces over which they had no control. Then, suddenly, the German waved at Bird. Some impulse caused Bird to wave back too. The German vanished, and the brief instant of eye contact between the two men ended, but Bird never forgot that moment.

Overwhelmingly, honourable senators, it is those young men, boys even, to whom we must pay tribute 90 years after the battle of Vimy Ridge. The Canadian National Vimy Memorial is truly a holy place which must continue to be restored generation after generation. We have an obligation as Canadians to ensure that the stories and memories of the Canadian soldiers who fought during the First World War continue to be told. We have the obligation to repeat the lessons learned during that horrible war, the inhumane conditions that humans were required to endure and the unacceptable price in lives lost that was paid.

On the going down of the sun and in the morning, we will remember them.

Hon. David P. Smith: Honourable senators, I had not intended to speak on this item, but I think this is an event of such significance that those who made contributions should be recognized.

My father, Campbell Bannerman Smith, was born in 1900 and in 1917 he signed up. He was sent down to Kingston, and a review of all the troops there was held that day. He was standing out on the parade ground, looking at the commandant's headquarters when out came the general to conduct the review with my grandmother on his arm. My father said he was terrified. What had happened was that my grandmother had gone to see the commandant and said "My son's out there; he is only 17." The general said "You come with me." When they got to my father,

the general said, "The day you are 18, we will be happy to have you, but you go with your mother now." My dad said that that was one of the most embarrassing moments of his life, but he went with his mother.

The day he turned 18, he signed up. He was shipped overseas and was stationed in northern Wales at a place called Kinnell Park. I am sure Senator Dallaire is familiar with the sad events that took place there.

He was not at Vimy, obviously, but I well remember my father, who passed away in 1961, telling stories of those days. His only sister, Charlotte, my Aunt Lottie, married a Scotsman, Alexander Bathgate, who spent four years in the trenches. He was discharged as a major. He went back to his hometown in Selkirk, in the lowlands of Scotland, after being discharged. There was a central area, almost a town square. He spent two weeks looking for his friends. He did not meet any of them. His parents had died. He came to Canada, met my father's sister and married her.

I can tell you so many stories of my uncle's memories of those trenches. I think it is so important to remember these things. When my children were teenagers, I took them over to Vimy. We had a special trip. I had people explain everything. We were down in the tunnels. We saw all the memorabilia. Then we went to Dunkirk the next day, walked the beaches there and I explained Dunkirk to them. Excuse me, as I am a little emotional here.

Then we went to Groesbeck, in Holland, where 2,600 Canadians died in the liberation of Neimagen and Arnhem. I will never forget that day. We went to the middle of the town and agreed that we would meet back here in an hour. Everybody would go and just look. My 15-year-old daughter went to see these graves, and noticed that there would be the name, aged 17, a few aged 16. The gravestones would say where the soldiers were from. It was in the late stages of the war, late 1944 or 1945, when a couple of them had died. It was so tragic. We all reassembled an hour later.

I just want to pay tribute to these people. This is the sort of thing we should never forget. If any of you ever have an opportunity, go to Vimy. I envy those who are going. It is the sort of thing that I think future generations need to have impressed upon them, the tremendous contribution that these Canadians have made.

Hon. Senators: Hear, hear!

Hon. Jim Munson: Honourable senators, I will be brief and add to the story of Vimy Ridge for a moment. In 1987, I covered another anniversary at Vimy Ridge as a reporter, and I would say that meeting the veterans who were still very much alive at the time was one of the most moving moments of my life as a Canadian journalist overseas. I have covered many stories — the massacre in Tiananmen Square, the Gulf War, the Iran-Iraq war, the troubles in Belfast, terrible times in Beirut — but that particular moment in Vimy with the veterans, interviewing them and spending the whole day and evening with them, is a moment in my life I will never forget.

When I think of this, I get emotional like the honourable senator. I lost my uncle, for whom I am named, James Lloyd Munson, who was shot down by the Japanese in 1943 over Burma. His story always comes home to me and I always ensure that my sons come to the National Cenotaph wherever I am.

At this moment, I would like to salute Senator Atkins. His father, as most of us know, fought at Vimy. Senator Atkins has a diary that his father wrote, and I believe it is being given to the war museum. I think all Canadians should read this diary of Mr. Atkins, who was there, who writes in the diary in a matter of fact way of how they took Vimy that day. It was a very simple message and a beautiful diary.

At this time, because I do not think we will have another opportunity, I would like to acknowledge the veterans of World War I, World War II, the Korean War and any place where Canadian soldiers are participating. It is always a good thing.

The Hon. the Speaker: I think we will recognize Senator Fairbairn because, if Senator Dallaire speaks, he closes the debate.

Hon. Roméo Antonius Dallaire: Honourable senators, because we are on the subject of the commemoration aspect, I wonder if I might ask Senator Munson a question. Let me set the scene.

We have created recently the Canadian version of the Victoria Cross. There was discussion about giving that Victoria Cross to the unknown soldier, who is here at the national cenotaph, who was a soldier on the battlefield of Vimy. There was a debate going on, and still seems to be going on, as to whether we want that soldier to reflect the common soldier and not necessarily be one of those elite, if I can use that term, to be recognized as getting the Victoria Cross, which was the ultimate recognition of valour. Perhaps the soldier should reflect the fact that so many soldiers performed acts of bravery and valour that were never reported, whether because the injured officer was unable to write it up or because there was no witness to write the report of those who were killed. By receiving the Victoria Cross, the unknown soldier could represent all those acts of valour that have never been reported, and carry the signal of recognition for all those incredible acts of valour that had been forgotten. Does the honourable senator have an opinion on that?

• (1550)

Senator Munson: I agree with all the honourable senator's sentiments. Perhaps when the recognition of this anniversary is behind us, we should take a serious look at it. When the honourable senator talks about unknown soldiers, airmen or seamen, I continue to come back to my Uncle Lloyd, who died in what I consider the forgotten war. Canadian airmen served in the former Ceylon. In a classic situation, my uncle went up one evening to replace an Australian airman and was shot down by the Japanese.

My dad passed away about three years ago. He always felt guilty that he did not go to war. Although I did not open them until recently, 40 letters from my uncle were left to me by my father. The earliest letters are full of joy when he talked about the adventure of war, about being in Scotland and about being over the English Channel. Later on, the tone of the letters became more ominous when he was in Egypt. He warned my dad that the letters would be few and far between and that the messages would not be the same because it was becoming a nasty war.

At the end of each letter when he signed off, he did not say, "Love, your brother." He simply said, "So long, Lloyd." When it comes to Vimy and other such issues, I think of the almost 4,000 Canadians who simply said, "so long," and died, but who should not have had to die to defend our freedom. Therefore,

anything that we can do to continue remembering is important. It is always easy to say that if we do not understand our history, we cannot recognize our present and we do not really understand what our future will be.

Symbols of a nation are important, especially for a new generation. As politicians, neighbours, family and friends, we have the responsibility to keep their spirit alive.

Hon. Joyce Fairbairn: Honourable senators, I thank all senators who have spoken on this occasion to this special piece of history. Listening to their remarks recalls my memories. As I sat here, I was thinking of a rather strange incident that occurred to me within the last four months. I knew that my father was in the First World War. He was one of the 17-year-olds who rushed off and, I guess, lied about his young age. He went to Europe with the Canadian Mounted Rifles. He died at a young age in Canada when I was six years old so I did not hear any stories about his presence in the First World War except to learn that he had been wounded twice and, oddly enough, came back to Canada as an RAF pilot. I would dearly love to understand how he did that.

A few weeks ago, I was doing a bit of house cleaning in Lethbridge when I came across an old book. It was a history that had been written many years ago about the Canadian Mounted Rifles. I opened the book and there, in my father's handwriting, was a note that he had written when this book was published. There was a little piece of paper toward the back of the book and, opening to it, I saw my father's name, along with the names of many who had been wounded and, equally, many who had died. It was a moment that felt like there was a presence in the room when I saw this paper for the first time. It caused me to think even more fondly than I normally do about what our young men and women have done for others and for the history of this country.

A great number of young teenagers from Lethbridge, Alberta, will travel to Vimy. They have been making all kinds of fundraising efforts to help pay their way and they are hugely excited. I must confess, I would love to travel to Vimy with them.

To all honourable senators who have spoken and to others who might have thoughts of their own, this chamber is a wonderful place with its pictures and paintings that recall a time not only of horror but also of the remarkable courage and patriotism that the young soldiers took with them into that battle.

For those who are still there and for the memories of those who managed to come home, we will not forget.

[Translation]

Hon. Lucie Pépin: Honourable senators, I am part of the generation where several members of a family — there were eight boys in my father's family — went to war. I would like there to be a tribute for all the nurses and other military women who died in the war even though they were not in the trenches.

I remember seeing posters of a military nurse. When you attend certain celebrations — and I have attended a few — you see these nurses who are now quite old. We forget to acknowledge their presence. A number of them have died. There were female military personnel who did not go to the front, who were not in combat, but who have died. On one of my trips to Vimy, I asked that a wreath be laid at each veterans memorial service for these women and nurses who died. It is important that we remember them.

[English]

Hon. Francis William Mahovlich: Honourable senators, I want to add a comment to what has been said. *The Stone Carvers*, a novel by Jane Urquhart, speaks to the sculptors that worked on the designs at Vimy Ridge. The book is a delight to read and explains the great monument commemorating the Canadians who died at Vimy Ridge.

Hon. Joan Fraser: Honourable senators, it is inestimably important to remember Vimy. It was the first Canadian battle that I had ever heard about because my mother's birthday was Vimy Ridge Day. Obviously, she felt such an immense sense of pride and identity with Canadian valour on that day that I could not help but absorb it.

I wish to address Senator Dallaire's query to Senator Munson about the Victoria Cross. I have thought quite a bit about this. The unknown soldier should remain one of all soldiers and not a recipient of a special honour beyond the fact that he lies at our national memorial place. It is not the fault of many thousands of those who died that they did not do so while they were doing acts that might have won them a Victoria Cross. The fact is that they were there and they died and every one of them was a volunteer. The fact that they chose to put their lives at risk and, in the end, to sacrifice their lives for us means that we should give them all, in my view, equal representation.

The Senate adjourned until Thursday, March 29, 2007, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Thursday, March 29, 2007



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, March 29, 2007

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

March 29, 2007

Sir,

I have the honour to inform you that the Right Honourable Michaëlle Jean, Governor General of Canada, will proceed to the Senate Chamber today, the 29th day of March, 2007, at 5:30 p.m., for the purpose of giving Royal Assent to certain bills.

Yours sincerely,

Sheila-Marie Cook
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

• (1335)

[English]

SENATORS STATEMENTS

THE HONOURABLE NOËL A. KINSELLA

CONGRATULATIONS ON RECEIVING CHILE'S MEDAL OF THE SENATE

Hon. David Tkachuk: Honourable senators, I want to bring to your attention the fact that, during the various Chilean-related activities taking place this week, one deserves special mention. It was an event at the home of the ambassador. At a ceremony on Monday, the Speaker of this place, Senator Noël Kinsella, was awarded a medal — not just any medal but the highest decoration available from the Senate of Chile: the Medal of the Senate. It was bestowed upon the Speaker in recognition of — and this will surprise no one here — his work on human rights and in Parliament. You will be interested to know that the agreement to award the medal was supported unanimously by members of the elected Chilean Senate.

The medal recognizes Senator Kinsella's long toil in the area of human rights, which has earned him a well-deserved reputation beyond the boundaries of Canada. Perhaps I can solicit unanimity here from the appointed Senate before we leave for the Easter break and ask you to join me in congratulating the Speaker.

Hon. Senators: Hear, hear!

BUDGET 2007

PROVISION FOR CITIES

Hon. Larry W. Campbell: Honourable senators, I wish to add my congratulations to His Honour.

Honourable senators, last week the Conservative government released their budget. Once again, the government is showing that it does not understand the issues facing Canadian cities and the millions of Canadians who make their lives there. Canada's cities have been calling for a long-term solution to correct the infrastructure deficit that hobbles their progress and prevents them from becoming world-class economic and cultural centres that draw the best and the brightest. Instead, the government has offered short-term, band-aid solutions.

The previous Liberal government developed the federal gas tax transfer in order to provide a long-term, predictable funding source for municipalities. The leader of the Liberal Party has committed to making this transfer permanent. This government has only delivered a four-year extension to this transfer. That is simply not good enough for our cities.

Further, the government has continued its re-branding exercise by combining the Liberal implemented strategic rural-municipal and border infrastructure funds into the renamed "Building Canada Fund." This fund is spread over seven years, contains no new ideas and does not meet the required long-term funding that cities need.

Honourable senators, this budget gravely fails in the area of public transit. While transit projects are eligible under the gas tax transfer and the so-called Building Canada Fund, transit projects would be in competition for these funds with all other municipal infrastructure projects. A national transit strategy has been called for by both the Federation of Canadian Municipalities' big city mayors' caucus and the Canadian Urban Transit Association. The big city mayors have called for a specific and annual \$2 billion per year investment in transit, which they feel should be:

Integrated with a predictable, permanent plan for transit that includes tax measures, research, a link to land use and transportation planning . . . as well as setting accountable targets against which to measure progress and value for money.

Those people, according to the act, stated that the species was at risk, and there would be fines of up to \$300,000 per person for hunting belugas. In Nunavut, we have a population of over 29,000 Inuit people, with about 10,000 in Nunavik. Whales spawn at the rate of up to 15 per cent every year. There are close to 100,000 whales but now they are a species at risk in Canada.

The Hon. the Speaker: Order. The honourable senator's time has expired.

[Translation]

ROUTINE PROCEEDINGS

DEPARTMENTAL PLANS AND PRIORITIES, 2007-08

REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report on plans and priorities, 2007-08.

[English]

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY— REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, March 29, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SEVENTH REPORT

Your Committee, which was authorized by the Senate on April 26, 2006, to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 1241.)

[Senator Adams]

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Fairbairn: Later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

• (1355)

BUDGET—STUDY ON RURAL POVERTY— REPORT OF COMMITTEE PRESENTED

Hon. Joyce Fairbairn, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, March 29, 2007

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on May 16, 2006, to examine and report on rural poverty in Canada, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

JOYCE FAIRBAIRN, P.C.
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 1247.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Fairbairn: Later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

BILL TO AMEND THE LAW GOVERNING FINANCIAL INSTITUTIONS

REPORT OF COMMITTEE

Hon. Jerahmiel S. Grafstein, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, March 29, 2007

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

FOURTEENTH REPORT

Your Committee, to which was referred Bill C-37, an Act to amend the law governing financial institutions and to provide for related and consequential matters, has, in obedience to the Order of Reference of Wednesday March 21, 2007, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

JERAHMIEL S. GRAFSTEIN
Chair

The Hon. the Speaker: Honourable senators, when shall this bill be read a third time?

Senator Grafstein: Later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Motion agreed to and bill placed on the Orders of the Day for consideration later this day.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON MATTERS RELATING TO MANDATE—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, March 29, 2007

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

FIFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to undertake a review and report on the *Canadian Environmental Protection Act* (1999, c. 33) pursuant to Section 343(1) of the said Act, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 1259.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Banks: Later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY—REPORT OF COMMITTEE PRESENTED

Hon. Tommy Banks, for Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, March 29, 2007

The Standing Senate Committee on National Security and Defence has the honour to present its

TWELFTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine and report on the national security policy for Canada, respectfully requests funds for the fiscal year ending March 31, 2008.

Pursuant to Chapter 3:06, section 2(1)(c) of the Senate Administrative Rules, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix D, p. 1265.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Kenny: Later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

• (1405)

Thursday, March 29, 2007

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY OF LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP—REPORT OF COMMITTEE PRESENTED

Hon. Joan Fraser, Deputy Chair of the Standing Senate Committee on Human Rights, presented the following report:

Thursday, March 29, 2007

The Standing Senate Committee on Human Rights has the honour to present its

EIGHTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to invite the Minister of Indian and Northern Affairs Canada to appear with his officials before the Committee for the purpose of updating the members of the Committee on actions taken concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOAN FRASER
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix I, p. 1305.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fraser, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE—REPORT OF COMMITTEE PRESENTED

Hon. Joan Fraser, Deputy Chair of the Standing Senate Committee on Human Rights, presented the following report:

The Standing Senate Committee on Human Rights has the honour to present its

NINTH REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, respectfully requests for the purpose of this study that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOAN FRASER
Deputy Chair

(For text of budget, see today's Journals of the Senate, Appendix J, p. 1311.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Fraser: With leave of the Senate, later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and report placed on the Orders of the Day for consideration later this day.

STUDY ON FUNDING FOR TREATMENT OF AUTISM

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE TABLED

Hon. Art Eggleton: Honourable senators, I have the honour to table, in both official languages, the twelfth report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Pay Now or Pay Later, Autism Families in Crisis*, which deals with the study on the issue of funding for the treatment of autism.

[Translation]

A BILL TO AMEND CERTAIN ACTS IN RELATION TO DNA IDENTIFICATION

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-18, to amend certain Acts in relation to DNA identification.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[English]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-277, to amend the Criminal Code (luring a child).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

• (1410)

OFFICIAL DEVELOPMENT ASSISTANCE ACCOUNTABILITY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-293, respecting the provision of official development assistance abroad, to which they desire the concurrence of the Senate.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Dallaire, bill placed on the Orders of the Day for second reading two days hence.

THE SENATE

NOTICE OF MOTION URGING GOVERNMENT TO ENGAGE IN FREE TRADE NEGOTIATIONS WITH EUROPEAN UNION

Hon. Hugh Segal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate call upon the Government of Canada to engage in negotiations with the European Union towards a free trade agreement, in order to encourage investment and free movement of people and capital.

NOTICE OF MOTION URGING GOVERNMENT TO TAKE LEADING ROLE IN REINVIGORATING NUCLEAR DISARMAMENT

Hon. Roméo Antonius Dallaire: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate call on the Government of Canada to take a leading role in the reinvigoration of the urgent matter of nuclear disarmament in accordance with the *Nuclear Nonproliferation Treaty* at the Preparatory Committee Meetings scheduled to convene April 30 to May 11, 2007 in Vienna which act as a prelude to the next Treaty Review Conference in 2010; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating the dire threat to humanity posed by nuclear weapons.

UNITED KINGDOM SLAVE TRADE ACT

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1), (2) and 57(2) of the *Rules of the Senate*, I give notice that, two days hence, I will call the attention of the Senate to:

- (a) March 25th, 2007, being the two hundredth anniversary of the abolition of the slave trade in the British Empire by *An Act for the Abolition of the Slave Trade*, an act of the U.K. Parliament, assented to by King George III on March 25, 1807; and
- (b) to slavery and the slave trade in African peoples by Europeans from the 1500s to the 1800s, and to the law of estate in human life, to property and ownership in human beings, and to the trade and commerce in human beings as commodities, slaves, bought and sold in the marketplace; and
- (c) to the transportation across the Atlantic Ocean of about 12 million Africans, packed as cargo in slaving ships, in that terrible journey named the Middle Passage, from Africa to the shores of the Americas and the West Indies, for the deployment of these slaves on the plantations of the New World, generating previously unknown wealth and prosperity; and
- (d) to William Wilberforce and to his unceasing labours as a Member of Parliament in the British House of Commons from 1780 to 1825, and to his leadership of the campaign in the Houses of Parliament for the abolition of the slave trade and slavery, and to his belief as a devout Christian and evangelical Anglican that his life's labours for the amelioration of the lives of the African slaves was his pilgrimage, his own journey; and
- (e) to Thomas Clarkson, the father of abolition, who inspired Wilberforce, and to John Wesley, the founder of the Methodist Church, and to all those other Christians — Anglicans, Quakers and Methodists, and to the black African abolitionists, who led and sustained a national and international movement carrying public opinion for the abolition of the slave trade and slavery,

and to their testament to the human spirit to overcome man's inhumanity to man; and

- (f) to William Wilberforce's influence on my life personally as a child in Barbados, in the British West Indies in the British Empire, that island where the concept called the plantation was created, as also was its ancient House of Assembly, the second oldest legislature outside of the U.K., and all this when sugar was king; and
- (g) to the indebtedness and the gratitude of the whole world, particularly the black world, to these abolitionists who by dint of their personal courage, fortitude and perseverance were able to end a terrible centuries-old villainy and change the course of human history.

• (1415)

ABOLITION OF SLAVERY IN BRITISH EMPIRE

NOTICE OF INQUIRY

Hon. Anne C. Cools: Honourable senators, pursuant to rule 56(1), (2) and 57(2) of the *Rules of the Senate*, I give notice that in two days hence, I will call the attention of the Senate to:

- (a) March 25th, 2007, the two hundredth anniversary of the abolition of the slave trade in the British Empire, and in the British North American Provinces, particularly the two Canadas; and
- (b) to John Graves Simcoe, the first Lieutenant-Governor of Upper Canada, who had served briefly as a member in the British House of Commons with William Wilberforce, and who by 1790, even before arriving in Upper Canada, had expressed his opposition to slavery; and
- (c) to Lieutenant-Governor John Grave Simcoe's efforts, and his Bill in 1793 for the gradual abolition of slavery in Upper Canada by barring the further introduction of slaves, a Bill which represented the first legislative initiative against slavery in the British Empire; and
- (d) to John White, the Attorney-General of Upper Canada under Lieutenant-Governor Simcoe, who had practiced law in Jamaica, the British West Indies, and who having known slavery and the law of slavery, introduced this Bill in the House of Assembly; and
- (e) to the abolitionist movement in Upper Canada.

BUDGET 2007

HEALTH AND SOCIAL TRANSFERS— NOTICE OF INQUIRY

Hon. Wilfred P. Moore: Honourable senators, pursuant to rule 57(2), I hereby give notice that on Wednesday, April 18, 2007, I shall call the attention of the Senate to the matters of the Canada Social Transfer and the Canada Health Transfer contained in the Harper budget tabled March 19, 2007.

QUESTION PERIOD

INTERGOVERNMENTAL AFFAIRS

HARMONY WITH PROVINCES

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, as I scanned the newspapers this week, reading about one province that wants to take the federal government to court and about another one taking out full-page ads denouncing the broken promises of the budget, I was reminded of something the finance minister said only last week, when addressing the other place:

The long, tiring, unproductive era of bickering between the provincial and federal governments is over.

Can the Leader of the Government in the Senate tell us, in view of what the Premiers of Newfoundland and Labrador, Nova Scotia, New Brunswick, Saskatchewan and British Columbia are saying, how this government can claim that they have established harmony among the provinces and the federal government?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): As the honourable senator knows, on the whole question of fiscal balance, the Minister of Finance followed the recommendations of the O'Brien committee, which was set up prior to our coming into government.

With regard to the statements by the Premier of Newfoundland and Labrador, these statements are false. People who have looked at these agreements know they are false.

Senator Mercer: He lied to the people.

Senator LeBreton: The agreements with Newfoundland and Labrador are exactly as they were before the budget was tabled and they are exactly the same afterwards.

FINANCE

EQUALIZATION PAYMENTS

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, I will be more specific. This Conservative government had committed to fulfilling, in its entirety, the Atlantic accord, signed in 2005 with the provinces of Newfoundland and Labrador and Nova Scotia. However, the introduction of the fiscal cap effectively eliminates the clawback protections in the accord. Therefore, how can this government continue to say — and I quote the Minister of Finance — “We are keeping our commitments on equalization”?

• (1420)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the government kept its commitment to Newfoundland and Labrador. The province is getting 100 per cent of what it was promised in the accord, without a cap, and that, in my books, are promises made and promises kept.

Senator Rompkey: But you are clawing back.

TREASURY BOARD

FEDERAL ACCOUNTABILITY ACT—
IMPLEMENTATION

Hon. Joseph A. Day: Honourable senators, my question is for the Leader of the Government in the Senate. On a weekly basis, Canadian newspapers have been reporting a lack of action on accountability by the Conservative government. As examples, I would like to mention three reports from this week alone which are cause for great concern.

The NDP announced that they want an audit of all Conservative government public appointments in light of a police investigation into the claims of a potential criminal patronage offer by senior Conservative John Reynolds.

The *National Post* reported rumours and speculation about what types of communication between lobbyists and public office-holders will be reported under the new Lobbyists Registration Act while the government conducts a consultation but does not implement the Lobbyists Registration Act, a consultation long after the act was in fact passed. I would have thought that the consultation might have been before the legislation was passed.

The *Ottawa Citizen* reported that Parliament and the executive cannot agree on the proper interpretation of the Federal Accountability Act as it relates to deputy ministers acting as accounting officers.

All of these concerns were thoroughly canvassed by this chamber and by the committee of this chamber that looked into Bill C-2.

Can the Leader of the Government in the Senate inform us if the work and advice of this chamber following its study of Bill C-2 are being taken into consideration? If so, why, 108 days since Royal Assent was received with respect to Bill C-2, is this government still trying to understand the impacts of its legislation?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, in part of my honourable friend's question, he has already answered the question "rumours and speculation."

With regard to the situation in the city of Ottawa on the issue of a certain individual making allegations, the fact is that those allegations are totally unfounded.

Honourable senators, Senator Downe, Senator Munson, Senator Segal and I, having worked in the Prime Minister's Office, can attest vigorously that we were lobbied constantly by people who wanted appointments to this or that or anything else. The fact is that appointments are made by the cabinet on the recommendation of the ministers responsible and the Prime Minister. We have brought forward a vigorous appointments process whereby appointees are properly vetted. We have produced some outstanding appointees, an example being our colleague from the other side, Senator Kirby.

No government, whether Conservative or Liberal, can answer for people approaching any one of us, at any time, suggesting that

they be given an appointment. Honourable senators know that as well as I do. I am sure that Senator Downe is nodding his head in agreement.

With regard to the recommendations on the Federal Accountability Act, as I reported on a previous occasion, regulations are being developed and working their way through the process to implement the Federal Accountability Act.

In answer to the honourable senator's specific question, the President of the Treasury Board has, of course, taken note and is considering all good advice he receives, including advice from the Senate committee.

PRIVY COUNCIL OFFICE

APPOINTMENTS PROCESS

Hon. Joseph A. Day: Honourable senators, with respect to Bill C-2, the Federal Accountability Act, and the public appointments commissioner, a position which has not yet been implemented, my next question relates to the point to which the honourable senator has alluded, as did I in my first question.

• (1425)

The Ontario Provincial Police have launched an investigation into a sworn affidavit, which is backed up by a polygraph test, a lie detector test, wherein Mr. Terry Kilrea, a candidate for mayor in Ottawa in the last election, alleged he was being offered a position in government to withdraw from running. According to reports in the media, Mr. Kilrea stated:

Before I turned down the offer, (O'Brien) told me that the Parole Board was a five-year appointment at \$110,000 a year.

So, I mean, pretty tempting for a guy who's making \$60,000 to \$110,000 for a five-year appointment - and cash to boot, in the offer.

Mr. John Reynolds, co-chair of the 2006 Conservative election campaign, a former Conservative MP, interim party leader and currently a lobbyist who meets regularly with the Prime Minister, is quoted as saying that he saw nothing sinister in this arrangement.

Senator Mercer: That is arm's length.

Senator Day: He said he would be happy to put Mr. Kilrea's name forward for a Parole Board appointment because not many people want that job anyway.

My question to the Leader of the Government in the Senate is this: Can the minister assure this chamber that, while the government fiddles with respect to the creation of a public appointments commission, the previous government's objective in arm's length processes for appointments to various boards are being followed for the many appointments that are currently taking place?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the honourable senator simply read a newspaper article. He also mentioned "a sworn affidavit." I know of no other way to make an affidavit than for it to be sworn. He is supposed to be a lawyer; I am not.

In this case, this is a dispute in a municipal election between two individuals. As I stated in my previous answer, people can lobby anyone they want about getting an appointment. The appointments process is a very vigorous process. Candidates are screened and interviewed and it is determined whether they are qualified for the position. Ultimately, the decision on any appointment is the responsibility of the minister concerned and the cabinet. All of this unproven speculation is rather unnecessary to discuss at this point in time. In any event, even if anyone did look in the appointments book, that document is available to the public. It is not hard to figure out how long the appointment is or how much they pay.

Senator Downe, I am sure, will back me up on this. When I was looking after appointments for Prime Minister Mulroney, I had people call me up and say, "I talked to the minister of X, and he said it would be okay if I had such and such an appointment," because that person would have run into a minister at a cocktail party or something. I would reply, "I do not care what Minister X said. This appointment will go through the proper process, so get lost."

PRIME MINISTER'S OFFICE

APPOINTMENTS TO PRIVY COUNCIL AND SENATE FOLLOWING ELECTION

Hon. Percy Downe: Honourable senators, I am sorry that I missed the response; I was chatting with someone else. However, I do have a question for the Leader of the Government in the Senate.

Does the leader share the disappointment of many Canadians that the first action of the new Prime Minister was to appoint his two co-chairs — that is, John Reynolds, to the Privy Council; and Mr. Fortier, from Quebec, as a senator?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): No more offended than I was that Prime Minister Mulroney named me to the Senate, or that Prime Minister Jean Chrétien named you to the Senate.

• (1430)

Senator Downe: Honourable senators, I have a supplementary question for the Leader of the Government. How does that answer square with the Prime Minister's commitment prior to the election on how he would make appointments when immediately after the election, his first act was to announce those two appointments?

Senator LeBreton: Honourable senators, for the record and to be absolutely clear, Senator Fortier never lobbied for his appointment.

Senator Fortier: I am trying to get out.

Senator LeBreton: As honourable senators know, Prime Minister Harper appointed Senator Fortier as Minister of Public Works to represent the city of Montreal around the cabinet table. The Prime Minister viewed the appointment of John Reynolds to the Privy Council as an acknowledgement of Mr. Reynolds' long service in public life, just as the Prime Minister was happy to recommend Honourable Senator Daniel Hays to the Privy Council for his good work.

HERITAGE

CANADIAN BROADCASTING CORPORATION— APPOINTMENT OF CHAIR OF BOARD OF DIRECTORS

Hon. James S. Cowan: Honourable senators, my question is for the Leader of the Government in the Senate, as well. The distaste of this government for the CBC is well known and well documented. Nonetheless, this important national institution has been without a permanent board chair for many months. Is there a connection between the failure to fill this post and the statement on Tuesday by the Parliamentary Secretary to the President of Treasury Board before the Operations Committee in the other place to the effect that the government will not appoint people who do not agree with its agenda? Is it possible that the government cannot find any qualified person who agrees with the government's agenda, which is designed to gut the CBC, and who is prepared to take the position of chair of the CBC board?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, the government and the minister responsible, the Honourable Bev Oda, Minister of Canadian Heritage and Status of Women, are actively seeking a person to fill this position. When Minister Oda finds a qualified person interested in furthering the valid goals of the CBC I am sure she will make an announcement.

Many qualified people have been named to various positions. They are not denied appointments if they happen to support another political party. Of course, the obvious example is the Honourable Michael Kirby.

Senator Cowan: Is it true that the primary qualification sought is an agreement to support the government's agenda?

Senator LeBreton: Honourable senators, this is not the issue. Rather, the issue for all agencies and boards is finding the best person available who is willing to take on the job. Minister Oda is actively consulting with various stakeholders, including supporters of CBC/Radio-Canada. I am sure that when this person is presented, the appointment will be widely applauded.

BUDGET 2007

PROPORTION OF GROSS DOMESTIC PRODUCT ALLOCATED TO FOREIGN AID

Hon. Sharon Carstairs: Honourable senators, my question is directed to the Leader of the Government in the Senate. Canada is a most fortunate and wealthy country. In his Budget 2007 speech, the Honourable James Flaherty, Minister of Finance, repeatedly made a number of references to our great country and in that one lone sentence throughout the budget, I fully concur.

• (1435)

Honourable senators, as a fortunate country we have a responsibility to those countries — and more particularly to the people of those countries — that need our help and support. Can the Leader of the Government in the Senate explain why, in a budget with massive new spending, \$10 billion, we once again have failed to make strides towards devoting an increased proportion of our GDP to international aid?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. In the last budget, the government made a substantial contribution to foreign aid. I will take the question as notice because there is a long list of activities and money spent on foreign aid, including the Prime Minister's announcement with regard to Afghanistan, the announcements made with regard to CIDA and the Prime Minister's announcement with Bill Gates on dealing with the terrible tragedy of AIDS.

Senator Carstairs: Honourable senators, the minister is quite right in that she said some money had been put aside in 2006-07 for international aid. However, in the document entitled *Budget 2007 — Aspire to a Stronger, Safer, Better Canada*, the budget in brief document, there is a glaring zero on international aid for 2007-08 and 2008-09. Can the government leader in the Senate explain why there are zero amounts in those two areas when there are no other zero amounts under any other category?

Senator LeBreton: Honourable senators, as I said in my last answer, the government is expending a considerable amount of money in various countries around the world and on various foreign aid projects. Again, I will be happy to provide the honourable senator with a list.

Senator Carstairs: Honourable senators, it is clear that we spend money on foreign aid. We give money through CIDA. The question that I am asking is why is there no new money in a budget that is spending \$10 billion?

Senator LeBreton: Honourable senators, I am quite certain that when the budget documents were being drawn up, the people who prepared them and made representations to the Minister of Finance from the various departments satisfied themselves that monies were being properly expended, but if the honourable senator wants an answer as to why it was not specifically written into the budget, I will attempt to provide an answer for the senator.

JUSTICE

RIGHT HONOURABLE BRIAN MULRONEY— CASE OF ALLEGED BRIBES AND KICKBACKS

Hon. Terry M. Mercer: Honourable senators, I have asked a series of question similar to this before. *The Globe and Mail* published a story not long ago about \$300,000 that former Prime Minister Brian Mulroney supposedly received from German businessman, Karlheinz Schreiber. According to the CBC's *The Fifth Estate*, Mr. Edward Greenspon explains in a column that Mr. Mulroney called him before the payment story ran and asked him not to publish what he characterized as an unsubstantiated assertion that would perpetuate false accusations. Mr. Mulroney

also told William Kaplan, lawyer and author of *A Secret Trial*, that his dealings were clean. Mr. Mulroney stated:

I can also tell you that I have declared every cent that I have ever received and I have paid all income tax on all monies owing.

My affairs have been above board and proper, and I am not concerned about any of the legal implications whatsoever.

Will the Leader of the Government in the Senate simply agree that Mr. Mulroney did receive payments from Mr. Schreiber since the former Prime Minister has obviously said that he did accept something from Mr. Schreiber?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): The honourable senator answered the question when he quoted Mr. Mulroney, which is an accurate statement.

Senator Mercer: Honourable senators, in 1997, Mr. Mulroney settled a defamation suit against the government in the amount of \$2.1 million over allegations that he had received kickbacks for the sale of Airbus aircraft to Air Canada in the 1980s.

• (1440)

Immediately after the 1997 settlement, Chuck Strahl, now the Minister of Agriculture in Stephen Harper's government, called for a parliamentary committee to investigate the affair in order to examine the conduct of the RCMP and the Liberal Party of Canada.

In 1998, Peter MacKay, who is now the Minister of Foreign Affairs and not a very good representative of Nova Scotia, rose in the House of Commons asking when Jean Chrétien's government, a Liberal government, would "clear the air on this sordid affair" by calling such an inquiry.

In 2004, William Kaplan, in his book *A Secret Trial*, began to cast more doubt over the relationship between Mr. Schreiber and Mr. Mulroney.

In February 2006, Mr. Schreiber appeared on the CBC program *The Fifth Estate* and described allegations that Mr. Mulroney accepted cash that had been withdrawn from Swiss bank accounts linked to the Airbus affair.

In February and June 2006, the *Montreal Gazette* published editorials questioning these very events.

In February 2006, according to a January 2007 article in *The Globe and Mail*, the Department of Justice of Canada's new government, this government, explored the possibility of setting aside the 1997 \$2.1 million settlement with Mr. Mulroney because of allegations that he indeed accepted \$300,000 in cash from Mr. Schreiber.

As late as last week, Mr. Schreiber himself said he would be eager to testify at an inquiry that some members of the current Conservative government demanded while still in opposition.

In light of this interesting timeline of events, can the Leader of the Government in the Senate please explain why every legitimate authority on this subject, from her own cabinet colleagues

to reputable media outlets, seem to be pursuing answers to unanswered questions when Canada's new government seems to have delayed a further investigation?

Senator LeBreton: Honourable senators, I will not even give my honourable friend the courtesy of thanking him for that question. Suffice to say that I would invite the senator to make those statements outside of this chamber because he has done some very selective reading. All of the articles he quoted from are very careful to state that there is no proof that any of this was connected to Airbus. Now it is rather curious, because the CBC, *The Fifth Estate* and *The Globe and Mail* were pursuing a story that this had been a gift to Mr. Mulroney. Now there is a new story that backs up what we have always said about these monies. Mr. Schreiber now wants Mr. Mulroney to return the money because of non-performance. So what is it? Was there a contract for performance or was it a gift?

The fact is that Mr. Mulroney has for many years never stated otherwise. After he left the office of the Prime Minister, Mr. Schreiber approached him to do some international business work. He has never denied that this has nothing to do with Airbus and the honourable senator knows it. I again invite him to make those very blasphemous and disrespectful statements outside this chamber. He knows what would happen to him if he were to do so.

Senator Mercer: Honourable senators, my honourable colleague seems to be quite silent on this matter outside this chamber as well.

Another interesting story is Mr. Mulroney's settlement of a defamation suit against Peter C. Newman for publication of *The Secret Mulroney Tapes* in June of 2006. I would assume since Mr. Mulroney was intent on clearing his name in the Airbus affair with the federal government and also with Mr. Newman, that Mr. Mulroney would be taking any and all steps to address the information from the first part of my question. The federal government, at the time, acted in good faith when it settled with Mr. Mulroney, believing the information that was available at the time. In light of new information, questions are now being asked again. It appears that Mr. Mulroney, who said he had no relationship with Mr. Schreiber, did have a relationship with him and accepted \$300,000. It seems quite simple. A further investigation should clear the air.

• (1445)

I would like to clear Mr. Mulroney's name. If he is innocent, let us celebrate that together. Let us put all the facts on the table. Why is Canada's "growing-old government," elected on a platform of anti-corruption and accountability, not investigating what appears to be corruption by one of its own? What are they so afraid of?

Senator LeBreton: Honourable senators, I already answered this question. The senator knows what he is saying is false. It is another attempt to attack a decent, honourable man like Mr. Mulroney.

Hon. David Tkachuk: Say it outside.

[Senator Mercer]

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

INDUSTRY—CANADA RESEARCH CHAIR PROGRAM

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 25 on the Order Paper—by Senator Downe.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the following four questions: a question raised by the Honourable Senator Grafstein on November 21, 2006, regarding income trusts; a question raised by the Honourable Senator Mitchell on November 22, 2006, regarding income trusts; a question raised by the Honourable Senator Hays on November 28, 2006, regarding income trusts; and a question raised by the Honourable Senator Segal on November 28, 2006, regarding registered retirement savings plans.

FINANCE

INCOME TRUSTS—CHANGE IN TAX TREATMENT

(Response to question raised by *Hon. Jerahmiel S. Grafstein* on November 21, 2006)

The Minister of Finance has remained clear that he has no intention of altering the substance of the Government's decision of October 31, 2006 — including the four-year transition period for existing trusts. The Tax Fairness Plan recognizes that select investors, including seniors, may have been affected by this decision. Accordingly, the Government introduced four significant measures to protect investors:

- First, the Plan provides a fair and reasonable four-year transition period before the new distribution tax will apply to existing income trusts.
- Second, the Plan provides generous growth guidelines during this transition period.
- Third, the Plan introduces pension income splitting for 2007. A significant development for seniors and pensioners, this measure is worth approximately \$700 million a year.
- Fourth, the Plan increases the age credit amount from \$4,066 to \$5,066 effective January 1, 2006. This measure will provide tax relief for low- and middle-income seniors.

In total, the Tax Fairness Plan will deliver over \$1 billion annually in new tax relief for Canadians.

Extending the four-year transition period would only serve to extend tax unfairness for a longer period of time, and would have no benefit for investors who had sold their units following the announcement of the Government's decision.

Indeed, extending this period would create a greater financial burden on Canadian taxpayers. For instance, extending the transition period from 4 to 10 years would cost the federal treasury approximately \$3 billion. It would also significantly affect provincial treasuries — for example, Alberta would lose over \$2 billion and Quebec would lose hundreds of millions.

It is important to note that income trusts can continue to make distributions to their unitholders over the course of the next four years, before the distribution tax takes effect in 2011. At the end of that period, income trusts and corporations will be on a level playing field.

It is intended that conversions of an income trust to a corporation be allowed to take place without any tax consequences to investors on the conversion.

The Department of Finance has received a number of representations concerning the rules applying on the conversion of an income trust to a corporation, and is examining whether any impediments to conversion exist under the current income tax rules. If so, changes will be recommended to ensure that appropriate rules are in place to facilitate such conversions.

(Response to question raised by Hon. Grant Mitchell on November 22, 2006)

Prior to the Tax Fairness Plan's announcement on October 31st, 2006, Canada's New Government engaged in a lengthy review of the concerns surrounding income trusts. Due to the nature of the matter under consideration, the file demanded strict confidentiality. As was witnessed under the previous government, advance speculation and commentary regarding income trusts created uncertainty and confusion for investors. Nevertheless, the Minister of Finance was consistent during that period, stating he was monitoring the income trust market and he was concerned about emerging developments.

Rest assured that issues relating to income trusts were covered extensively during the consultations held last year and in commentary since then. In addition, the Minister of Finance received widespread representations from his provincial colleagues and business leaders urging certainty in this area.

Canada's New Government tackled a difficult issue in a decisive manner to protect Canada's long-term economic interests — remaining clear and consistent about the decision since. This stands in stark contrast to the previous government, which failed to take the necessary action to resolve this matter.

INCOME TRUSTS—CHANGE IN TAX TREATMENT—INCOME SPLITTING PROPOSAL

(Response to question raised by Hon. Daniel Hays on November 28, 2006)

The Minister of Finance has remained clear that he has no intention of altering the substance of the government's decision of October 31st, 2006 — including the four-year

transition period for existing trusts. The Tax Fairness Plan recognizes that select investors, including seniors, may have been affected by this decision. Accordingly, the government introduced four significant measures to protect investors:

- First, the plan provides a fair and reasonable four-year transition period before the new distribution tax will apply to existing income trusts.
- Second, the plan provides generous growth guidelines during this transition period.
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- Fourth, the plan increases the age credit, amount from \$4,066 to \$5,066 effective January 1, 2006. This measure will provide tax relief for low- and middle-income seniors.

In total, the Tax Fairness Plan will deliver over \$1 billion annually in new tax relief for Canadians.

Extending the four-year transition period would only serve to extend tax unfairness for a longer period of time, and would have no benefit for investors who had sold their units following the announcement of the government's decision.

Indeed, extending this period would create a greater financial burden on Canadian taxpayers. For instance, extending the transition period from four to ten years would cost the federal treasury approximately \$3 billion. It would also significantly affect provincial treasuries — for example, Alberta would lose over \$2 billion and Quebec would lose hundreds of millions.

It is important to note that income trusts can continue to make distributions to their unitholders over the course of the next four years, before the distribution tax takes effect in 2011. At the end of that period, income trusts and corporations will be on a level playing field.

The Department of Finance has provided further guidance on 'normal growth' in respect of the tax measures regarding income trusts and other flow-through entities. The department's guidance was prepared following consultations with publicly traded trusts and partnerships, and based on its observations as to the range of growth arising in the normal course of business. These rules are fair and flexible.

Canadians have a reasonable expectation that all sectors of the economy will shoulder an equitable and appropriate portion of the taxation burden. The measures proposed in the Tax Fairness Plan provide a level playing field for different business structures — including the energy sector. The proposed REIT exception recognizes an emerging international standard that makes it easier for small-scale investors to participate in the real estate sector.

REGISTERED RETIREMENT SAVINGS PLANS—
TAX TREATMENT

[English]

(Response to question raised by Hon. Hugh Segal on November 28, 2006)

Registered Retirement Savings Plans (RRSPs) and Registered Pension Plans (RPPs) help Canadians save for their retirement by providing a deferral of tax on these savings.

Contributions to these plans are deducted from income, and investment income is not taxed as it is earned. It is therefore appropriate that these savings be included in the taxpayer's income when they are withdrawn and that regular income tax be paid.

This tax treatment generally allows Canadians to earn the pre-tax rate of return on these savings. It prevents savings from being subject to personal income tax twice — once when the income is earned and again when the investment income is earned on the savings.

If income received by seniors from Registered Retirement Income Funds (RRIFs) received the same treatment as capital gains — that is, if only one-half of these amounts were included in the taxpayer's income — the tax system would go well beyond ensuring that Canadians were able to save for retirement on a tax-efficient basis.

There would also be significant pressure to extend the same tax treatment to RPP and RRSP income. As a result, the revenue cost of such a measure would be quite substantial.

Budget 2007 will provide about \$1.2 billion in new tax relief annually for Canadian seniors and pensioners by:

- Enacting the Tax Fairness Plan, which significantly increases the age credit amount and allows pension income splitting.
- Increasing the age limit for maturing RPPs and RRSPs to 71 from 69.

This builds on the \$20 billion of tax reductions provided for individuals in Budget 2006, including the doubling of the maximum pension income amount to \$2,000.

NATIONAL DEFENCE ACT
CRIMINAL CODE
SEX OFFENDER INFORMATION REGISTRATION ACT
CRIMINAL RECORDS ACT

BILL TO AMEND—MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-3, to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act, and acquainting the Senate that they have passed this bill without amendment.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to an order earlier this day, we ask that Bill C-37 be the first order of business.

BILL TO AMEND THE LAW GOVERNING
FINANCIAL INSTITUTIONS

THIRD READING

Hon. W. David Angus moved third reading of Bill C-37, to amend the law governing financial institutions and to provide for related and consequential matters.

The Hon. the Speaker: Are honourable senators ready for the question.

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read third time and passed.

BUDGET 2007

INQUIRY—DEBATE ADJOURNED

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)) rose pursuant to notice of March 27, 2007, by Senator Comeau:

That he will call the attention of the Senate to the Budget, entitled *Aspire to a Stronger, Safer, Better Canada*, tabled in the House of Commons on March 19, 2007 by the Honourable James M. Flaherty, P.C., M.P., Minister of Finance, and in the Senate on March 20, 2007.

She said: Honourable senators, I rise to draw the attention of the Senate to the budget entitled *Aspire to a Stronger, Safer, Better Canada*, tabled in the House of Commons on March 19, 2007, by the Honourable James M. Flaherty, Minister of Finance, and in the Senate on March 20, 2007.

The Minister of Finance is to be congratulated for tabling a budget that is balanced, while moving to restore the fiscal balance that cuts taxes for working families, reduces the national debt and invests in key priorities such as health and environmental protection.

I was particularly pleased, honourable senators, with the several measures in the budget that will benefit seniors. First, there is the additional funding and expanded mandate for New Horizons, a program that provides seniors with opportunities to share their life experiences, benefiting both the young and the old.

The budget puts forth a further \$10 million per year into the New Horizons program, bringing it to an annual budget of \$35 million. It will now help to pay for capital costs such as community buildings and equipment, and for initiatives to combat elder abuse and fraud directed at senior citizens.

Second, the budget confirmed that the tax fairness plan will deliver \$1 billion of tax savings by increasing the age amount by \$1,000 to \$5,066, and through pension income splitting.

The increase in the age amount represents a tax saving of up to \$155 per senior.

• (1450)

Third, the budget raises the deadline for maturing RRSPs and pension plans to age 71 from age 69, strengthening incentives for older Canadians to work and save.

Fourth, the budget will help older workers to stay in the labour market by permitting phased retirement for pension plan members. Workers will be able to draw up to 60 per cent of their pension while continuing to work and to accrue additional pension benefits.

Finally, the budget expands the list of assets eligible for RRSP and pension plan investments to include most investment grade debt and publicly listed securities, thus providing greater investment choice. Examples include Canadian dollar bonds issued by foreign entities, and foreign listed trusts and partnership units.

While not specifically directed at seniors or the retirement savings system, there are several other measures in the budget of interest to seniors. As is the case with many senior couples, only one partner has a taxable income, while the other partner has little or no income beyond the basic OAS. The budget increases the basic spousal amount by \$1,348 to \$8,929, ending the so-called marriage penalty. This means it will be the same amount as the basic personal amount. It represents a reduction of up to \$209 this year and a total savings for Canadian families of \$270 million per year. This will benefit not only many senior couples, but also families where only one partner remains in the home and, significantly, single parents who can claim the amount for one of their children.

For many Canadians, their farm, small business or fishing operation is their pension plan. The budget increases the lifetime capital gains exemption for farms, small business operators and fishers to \$750,000 from the current \$500,000. This will provide \$85 million of tax relief in the coming year alone.

Budget 2007 creates a fund that will contribute to the cost of making facilities such as community centres and grocery stores more accessible to persons with disabilities. It will fund such things as access ramps and abilities centres. The Enabling Accessibility Fund will be provided with \$45 million over three years.

On the issue of health care, the budget funds the creation of the Canadian Mental Health Commission as the focal point for addressing mental health issues, providing \$10 million over the next two years and \$15 million in subsequent years. The structure and role of this commission will be based on the

recommendations of the Standing Senate Committee on Social Affairs, Science and Technology in its May 2006 report entitled *Out of the Shadows at Last*. It is particularly gratifying that former Senator Michael Kirby has agreed to head this commission. There could not be a more qualified person to lead the charge.

This budget will improve health care by investing \$400 million for the Canada Health Infoway to support the development of electronic health records and up to \$612 million to support jurisdictions that have made commitments to implement patient wait time guarantees and by providing the provinces with \$300 million for a vaccine to prevent cancer of the cervix.

On the issue of fiscal balance, honourable senators, there are several things that differentiate our new government from the one we replaced. One of these is the recognition that there is a fiscal imbalance between the federal and provincial governments. The budget will restore fiscal balance through a seven-year, \$39 billion plan that puts federal support for provinces and territories on a long-term, predictable and principle-based footing for the future. Funding and transfers to provinces will increase this year and each and every year into the future. Our Constitution gives the provinces responsibility for roads, bridges, public transit, universities and colleges, job training and clean water. The extra funding provided through the budget will assist them to provide the services and infrastructure that matter most to Canadians while helping them to compete with the best in the world.

Honourable senators, it is an unfortunate reality that many people are better off on social assistance than working in the paid job market. If they get a job, a significant part of every dollar earned is lost to taxes and cuts to benefits. To help some 60,000 people climb over that welfare wall, we will set up a working income tax benefit, or WITB. Minister Flaherty likes that acronym, as you can understand. This will also encourage 1.2 million low-income working Canadians to stay in the workforce. Through the WITB, we will provide an additional supplement for low-income working Canadians with disabilities, who face even tougher barriers getting into the workforce.

To provide further tax relief for working families, Budget 2007 will establish the working families tax plan, which will include a new \$2,000 per child tax credit. This will help some 3 million taxpayers, taking 180,000 low-income Canadians off the tax rolls and slashing taxes on families by half a billion dollars per year.

Parents and grandparents of severely disabled children are faced with the dilemma as to how to ensure their children or grandchildren's financial security when they are no longer able to support them. This budget will direct \$140 million over two years to establish a registered disability savings plan that will work in the same way as a registered education savings plan.

To help Canadians save for their children's education, we have strengthened the Registered Education Savings Plan by increasing the lifetime contribution limit to \$50,000 and raising the maximum annual Canada Education Savings Grant to \$500.

On the subject of education and research, to succeed in today's competitive global economy we need the best educated, most skilled and most flexible workforce in the world. This budget helps to build that workforce. We will invest over \$1.3 billion in

new money for science and technology research. This includes \$350 million over three years in leading centres of commercialization and research excellence, \$85 million a year to be directed through the federal granting councils, and \$15 million a year to support the additional research that will be conducted in institutions resulting from the new resources provided by the granting councils. On this front, I must pay tribute to our colleague, Senator Keon, who has worked very hard to have measures such as these included in the budget.

This government will dramatically increase financial support to our colleges and universities. Beginning in 2008-09, we will invest an additional \$800 million a year to help the provinces and territories improve post-secondary education. This budget directs new funds to skills training, one of my pet projects. The result will be that any Canadian who needs it should be able to get training.

We will provide the greatest number of scholarships ever granted to our graduate students through the Canada graduate scholarships program. To recognize the outstanding contributions of Canadians who have made a real and lasting impact on our lives, we plan to dedicate prestigious scholarships to the memory of Sir Frederick Banting and Dr. Charles Best, Alexander Graham Bell and Joseph-Armand Bombardier. Is this not a nice change from naming it after some politician? These measures will help create the next generation of leaders who will make us proud, make Canada strong and make the world a better place through their achievements.

Honourable senators, job creation in Canada has been strong. Unemployment is at lowest level in 30 years, yet our manufacturing sector has been struggling, forced to weather what economists call "the perfect storm" of a high dollar, low-cost international competition and an economic slowdown in the United States, our largest customer. The budget will support our manufacturers through a dramatic new capital cost allowance incentive. We will allow them to completely write off their new investments in equipment over a two-year period, helping and encouraging them to invest in new technology and better compete on the world stage.

Improving our capital cost allowance system also means striking the right balance. For the oil sands, we were phasing in an accelerated capital cost allowance to promote promising new technologies like carbon capture and storage. It follows that we are balancing this by phasing out the current accelerated capital cost allowance for general investment in the oil sands by the year 2015. Our government believes in tax fairness, which also means paying your fair share, no matter where your company is registered or where you choose to locate your head office.

We are taking the tax fairness plan of our latest budget a step further, providing the Canada Revenue Agency the funding it needs to detect tax avoidance through offshore tax havens and to ensure that every company pays its fair share of tax. The free ride is over. Everyone will pay their fair share.

• (1500)

The important subject of agriculture is another area in which, as you have heard me say many times, I have a great interest because I was raised on a farm. This government places a very high value on Canada's farmers. In this regard, I must pay tribute to our colleague Senator Gustafson who I do not think ever attends a

caucus or a meeting where he can be heard that he does not make sure we understand the plight of our farmers. Thank you, Senator Gustafson.

Budget 2006 contained \$3.5 billion over five years for the farm sector. Budget 2007 builds upon this commitment, providing an additional \$1 billion targeted to enhance national farm income programs, and \$400 million of this will go to farmers to help address rising costs of production over the last four years. The remaining \$600 million will help create new, contributory-style, producer savings accounts once agreements are reached with the provinces and territories.

On the environment, honourable senators, this government wants to ensure a cleaner, healthier environment that improves the quality of life for Canadians. As part of this commitment, the budget reinforces actions that have already been taken to improve our air quality and help address climate change. \$1.5 billion is provided for Canada Ecotrust for clean air and climate change. This will support major projects as identified by the provinces and the territories, which will reduce greenhouse gas emissions and air pollutants.

Furthermore, this budget introduces rebates on fuel-efficient vehicles and efficient, alternative fuel vehicles. It also contains an incentive to help get over-polluting cars off the road, as well as a new green levy on fuel-inefficient vehicles.

The budget includes investments for a national water strategy. This money will be directed towards improving the water we drink, cleaning polluted waters and ensuring sustainability of our fish resources. It will also be used to help maintain water levels in the Great Lakes and address water quality issues in the Lake Winnipeg basin, as Senator Stratton and Senator Johnson are always reminding us that we must do.

In addition, the budget contains investments targeted to conserve ecologically sensitive land by providing \$225 million for the Nature Conservancy of Canada.

Honourable senators, after paying down \$13 billion on Canada's national debt last September, budget 2007 further reduces the debt by \$9.2 billion. Under our government, less debt means lower interest payments, which means lower taxes. Through the government's tax-back guarantee, the interest savings on this year's debt repayment will be returned to Canadians in the form of further tax cuts. Put another way, every dollar saved from lower interest payments will be returned to Canadians through personal income tax reductions.

Since forming the government on February 6, 2006, only 416 days ago, Canada's new government has provided significant tax relief to Canadians, including reducing the GST to 6 per cent, tax credits for transit passers and children's fitness programs and much needed assistance for seniors, students, apprentices and children with severe disabilities.

What does all this mean for Canadians? Federal taxes paid by a single parent earning \$30,000 with one child are reduced by 69 per cent. For a one-earner family earning \$30,000 with two children, the tax reduction is 93 per cent. For a two-earner family with a combined income of \$40,000, the tax reduction is

92 per cent. If their combined income is \$60,000, their reduction is 25 per cent. A single senior earning \$20,000 will see a 62 per cent reduction in federal taxes. A two-earner senior couple earning \$40,000 will see a 40 per cent reduction in federal taxes.

The tax relief announced to date is a good start, but our government firmly believes that Canadians still pay too much tax, and more will be done to reduce taxes in the years ahead. Lower taxes mean a higher quality of life for Canadians.

Honourable senators, I have touched on several aspects of the budget, and there are, of course, others such as the Canada First defence plan, measures to assist veterans and their families, measures to keep Canadians secure, the investment tax credit for child care spaces and the GST rebates for tour packages.

Honourable senators, with this budget, the new government, led by Prime Minister Stephen Harper and supported by his Minister of Finance, Jim Flaherty, will continue to provide strong leadership to build a stronger, safer, better Canada that gets things done for families and taxpayers. The budget and the legislation to follow deserve our support.

Hon. Catherine S. Callbeck: I wonder if the leader will take a question. I did not hear her mention housing in her speech. In my province, Central Mortgage and Housing delivers a program for essential repairs for low-income people if they need to get their roof shingled, for example. It is an excellent program. The only problem is that it has a seven-and-a-half year waiting list. My question is, why did her government not put more money into housing?

Senator LeBreton: I thank the honourable senator for the question. There was a component, and I just do not have it here with me at the moment, in terms of the money put in. It was done through the Department of Human Resources, I believe, on housing. As the honourable senator knows, many of the various initiatives in housing are also a provincial responsibility. However, I will simply take that question as notice. I do know there is a housing component, and I will be happy to dig it out and provide it to the honourable senator.

On motion of Senator Tardif, debate adjourned.

KYOTO PROTOCOL IMPLEMENTATION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Trenholme Counsell, for the second reading of Bill C-288, to ensure Canada meets its global climate change obligations under the Kyoto Protocol.

And on the motion in amendment of the Honourable Senator Tkachuk, seconded by the Honourable Senator Comeau, that Bill C-288 be not now read a second time, but that the subject-matter thereof be concurrently referred to the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Energy, the Environment and Natural Resources;

That the committees report back no later than December 31, 2007; and

That the Order to resume debate on the motion for the second reading of the bill not appear on the *Order Paper and Notice Paper* until such time as both committees have reported on the subject matter of the bill.—(Honourable Senator Comeau)

The Hon. the Speaker: Are honourable senators ready for the question.

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: Clearly, the "nays" have it and the motion in amendment is defeated. We are now on the main motion.

Hon. Lowell Murray: Honourable senators, I hope you will indulge me briefly if, in light of the interesting interventions of yesterday by Senator Mitchell and Senator Banks, and also of the comments and questions the day before by, among others, Senator Fraser and Senator Cools, I elaborate briefly on my speed of last Tuesday contending that this bill conflicts directly with the principle and practice of responsible government and introduces congressional lawmaking into our Westminster and Canadian parliamentary system.

• (1510)

The last thing on my mind would be to curtail private members' bills, as Senator Mitchell has suggested would be the effect of my position. I am trying to prevent, or at least persuade honourable senators to prevent, the creation of a precedent that, in my view, would be inimical to our system of government. Before I sit down, I hope I will have the time to speculate on what a bill like this could mean for the future, knowing as we all know how powerful precedent is in our parliamentary system.

Many private members' bills have passed into law and make a significant contribution to our economic, social and political life in this country.

Senator Fraser did us the service of mentioning the amendments initiated by Senator Gauthier in 2005 to Part VII of the Official Languages Act. I thank her for reminding us of that. I took the occasion after her speech to reread, and I have before me now, the Official Languages Act, pre-Senator Gauthier,

as it were, and the present act containing as it does the amendments that Senator Gauthier successfully proposed. I have compared this to Bill C-288.

I oversimplified matters when I said that the amendments simply, in effect, change the word "may" to the word "shall," but I was not wrong in essence. I look at the previous version and the present version, post-Gauthier, and I find that while in the previous version and in the present version the Government of Canada, under section 41 is committed to enhancing the vitality of the minority linguistic communities and fostering the full recognition and use of both English and French in Canadian society, the previous version goes directly into article 42, obliging the Minister of Canadian Heritage in consultation with other ministers of the Crown to encourage and promote a coordinated approach to the implementation by federal institutions of the commitments set out in section 41.

As a result of what I will call the Gauthier amendments, we now have as subsection 41(2) the provision that "Every federal institution" — and this is the main difference — "has the duty to ensure that positive measures are taken for the implementation of the commitments under subsection (1)."

It then goes on to authorize the Governor-in-Council to "make regulations in respect of federal institutions, other than the Senate" and the various parliamentary institutions, "prescribing the manner in which any duties of those institutions under this Part are to be carried out."

The rest of Part VII, as I read it, is identical in the previous and in the post-Gauthier versions.

My point here is to say that if the honourable senators or their friends in the other place had used the Gauthier amendments to Part VII as the model for Bill C-288, I would not betaking objection to this bill in the way I am. You could have required annual reports by the government on measures it was taking with regard to climate change, global warming or whatever, instead of dictating to the government the measures they must take and making those measures binding on Her Majesty in Right of Canada, which is what is being done under Bill C-288.

Let me pause for a moment to come back to Part VII of the Official Languages Act, because there are lessons here. I will give honourable senators a couple of examples that are fresh in our minds, at least those of us who are members of the Standing Senate Committee on Official Languages.

I give the example of the 2010 Winter Olympics in Vancouver and Whistler. This event would be bilingual in any case because English and French are the languages of the international Olympics, and because they are the official languages of Canada. However, there was always the opportunity to use that occasion to promote the vitality of the minority language community, notably in British Columbia.

As a result of the Gauthier amendments, there is not just opportunity, but an obligation on the part of all federal institutions to use events of that kind to promote the vitality of the English and French language communities.

An opportunity becomes an obligation, and the obligation reinforces the accountability dynamic between the government and Parliament. We now have a situation in which, as a result of

that obligation, at least one parliamentary committee, the Committee on Official Languages headed by our friend Senator Chaput, is bird-dogging the government and its federal institutions to ensure that they live up to their obligations. I do not know how many meetings we have had on this issue in our committee — closer to a dozen than half a dozen if we include all the witnesses we heard when we were in Vancouver. We have heard everybody from the minister, Mr. Emerson, to the mayor of Vancouver, to the president of the CBC, to the francophone organizations, to the people from the Vancouver Olympic Committee. We are holding them accountable for respecting the obligation to use that occasion to promote the vitality of the English and French language communities and to promote the use of English and French across the country.

I will give you two other examples, briefly. This past Monday, we discussed the transfer of certain federal institutions to various parts of the country. We had witnesses from the Department of Veterans Affairs in Charlottetown and from what used to be the Farm Credit Corporation — I am not sure what it is called now; it is Financement agricole Canada in French — which was transferred in 1992 to Regina. We had officials from the government and we had representatives from the Société Saint-Thomas d'Aquin, the organization representing Acadians and francophones in Prince Edward Island, and the Assemblée communautaire fransaskoise from Saskatchewan.

I have the testimony here, and it is extremely interesting. What they have told us is that the transfer of those institutions has had a tremendously beneficial effect on the French language minority communities in Charlottetown and throughout Prince Edward Island, as well as in Regina and Saskatchewan. As I said, I do not want to quote at length.

Mr. Keith Hillier, who is Assistant Deputy Minister of Veterans Affairs and who has long experience in that department and in Prince Edward Island, mentioned to us that the francophone community on the Island represents about 5 per cent of the total population. He says:

In terms of both actual numbers and ratios, it is just slightly higher today than it was before Veterans Affairs came to Charlottetown.

Then he adds this:

What has changed and changed quite dramatically over these three decades is the status and profile of the French language and culture in the province. I believe it is generally agreed that the arrival of the substantial federal presence, with its inherent need for staff fluent in both English and French, triggered a wave of change that has strengthened the minority language community in P.E.I. tremendously.

The people from the francophone Acadian organization endorse that view and elaborated on it strongly. We heard the same story from the people representing the francophones of Saskatchewan.

There are those who thought — and they continue to think — that what was done with the Gauthier amendments in making that section of the act "justiciable" is the most important thing. It is early days yet, but so far the gain has not been the fact that those obligations become justiciable. The gain has been political — the specific obligation on all institutions.

• (1520)

The government, as I understand it from what we have heard, is taking this very seriously, whether it is the Olympic Games in Vancouver or the activities of those departments in Saskatchewan or in Prince Edward Island. The government is taking it seriously, to the point where they seem to be doing what Senator Nancy Ruth wants to see more of in terms of equality of women — that is, gender analysis. In terms of the activities of the government, they are obviously passing them through some kind of a screen and applying some kind of criteria to ensure that in its policies and programs the government is living up to the obligation there.

This is what the Official Languages Act amendments have achieved and, at the same time, because there is now an obligation on government, there is an added instrument in the parliamentary tool kit in terms of keeping the government accountable and responsible.

Honourable senators, we cannot be unmindful that Bill C-288 is one of a series of bills that are before us. At the Senate Committee on National Finance, we have Bill S-215, authored by our former colleague Senator Austin, which would have the effect of reinstating tax measures from the 2005 Liberal budget of the Honourable Ralph Goodale. That will be the effect of Senator Austin's bill.

We have Bill C-292 to force the government to implement the provisions of the Kelowna accord. I believe it is fair to say that whether it is climate change or tax policy or Aboriginal policy, the government's policy is a work-in-progress. Parliament has not seen the measures that the government may bring forward on those matters. Do we take it upon ourselves to pre-empt those measures and force the government to implement the agenda of a previous government?

Fifteen months ago, I stood here and criticized the policy of the government in cancelling the child care agreements signed by the previous government with the provinces. I had the option, I suppose, or they had in the House of Commons, to vote against the alternative that the government brought forward. I was opposed to what they did on grounds of economic policy, social policy, and federal-provincial relations policy, but I do not believe it is open to me to bring in a bill to have Parliament force the government to reinstate those agreements with the flow of money and all the rest of it that was involved. That is not the role of Parliament, in my view, and it is certainly not our role in a system of parliamentary responsible government.

When I speak on Senator LeBreton's motion on equalization, I intend to state my dismay with what has been done with regard to Newfoundland and Labrador and Nova Scotia by putting on a cap that will, for the purposes of measuring fiscal capacity, include the offsets from the offshore agreements. I am opposed to that. However, I do not think it is open to me to bring in a bill to force the government to implement the recommendations brought in by the Senate Finance Committee on two occasions. It is an equalization program that I would prefer, but I do not think we can properly, under our system of government, force the government to make that commitment, including the commitment involved.

Senator Banks rather made my point to some extent yesterday when he cited a case in the United Kingdom in which the government passed a law. The government refused to respect part

of that law. They were taken to court, and the courts found that they were obliged to respect all of that law. That is a good point that Senator Banks raises because, in the early going, there were spokesmen for the government saying that perhaps they could choose to ignore Bill C-288, that it is not very important. I do not think they can do so, once a bill like that has passed and has received Royal Assent. I think we should be concerned about the precedent that is being established here.

Who will take responsibility if we, as private members, force the government into a program that it does not want to implement? Do they turn to the people and say, "The devil made me do it." This is not our system of government.

Senator Mitchell quite properly reminds me that at least sometimes the question of confidence is a two-way tango. The House of Commons can declare a matter to be subject to confidence, but it is also up to the government to declare whether a measure is a matter of confidence, and to act accordingly.

Just in parenthesis, if Parliament says something is a matter of confidence, the government cannot then declare that it is not. Parliament has decided.

In terms of the government declaring something a matter of confidence, I have to say that until a couple of weeks ago I was of the opinion that this government had absolutely no excuse whatever to plunge the country into another election so soon after the last two elections. However, I am now wondering whether in view of what is being proposed, whether the government has any choice but to call an election, faced as it is with the prospect of its agenda being pre-empted by the opposition, and the agenda of a previous government being imposed upon it.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Mitchell, bill referred to the Standing Senate Committee on Energy, the Environment, and Natural Resources.

• (1530)

STUDY ON RURAL POVERTY

INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE—DEBATE CONTINUED

Resuming debate on the consideration of the sixth report (interim) of the Standing Senate Committee on Agriculture and Forestry, entitled: *Understanding Freefall: The Challenge of the Rural Poor*, tabled in the Senate on December 13, 2006.—(Honourable Senator Callbeck)

Hon. Catherine S. Callbeck: Honourable senators, the Standing Senate Committee on Agriculture and Forestry, under the capable chairmanship of Senator Fairbairn, has undertaken to examine

the dimension and depth of rural poverty in Canada. This came about because during the last two years farm incomes have continued to fall, partly due to many crises in the agriculture community, such as drought, BSE and potato wart. The committee wanted to explore this serious situation. We realized that rural Canada is much more than farming, so we undertook to study rural poverty in all its dimensions.

We noted in our interim report the concern that Canada's rural areas may be on the verge of an irreversible decline. In the past, rural Canada has been the backbone of this country. When Canada was formed in 1867, more than 80 per cent of Canadians lived in rural communities. Today, more than 80 per cent of Canadians live in urban communities. We have gone from one of the most rural countries in the world to one of the most urban.

This past fall, we heard a number of excellent presentations from academics, from government and industry representatives, and from the people most affected about the distinct challenges facing the rural poor. These presentations helped to better define the nature and scope of rural poverty, its root causes and its many dimensions, and some of the steps that might alleviate its serious consequences.

The committee has heard that rural poverty is widespread and that it is under-researched and under-reported. In fact, this is the first time that we are aware that a federal parliamentary committee has written a report dedicated to the subject of rural poverty. Unfortunately, rural poverty has been largely unnoticed. Canada's rural poor are simply not as visible as poor people in urban areas.

Over the past two months, the committee has been travelling across the country to learn more about this issue. We have heard firsthand from people who are living with this problem in their daily lives. These hearings have enabled the committee to put a human face on rural poverty.

As I have mentioned, there has been a decline in farm incomes, which has had a serious impact on farmers and their families. Increasingly, they rely on off-farm income just to get by. There has been a long-term trend of people leaving the industry. For example, there were more than 2,200 farms in Prince Edward Island in 1996. By 2001, just five years later, there were 1,845 farms, a decrease of 17 per cent.

As well, there are fewer people living in rural areas. Figures from the 2001 census also show that the population of rural Canada is declining. Youth are leaving to pursue education or to find work, and people with knowledge and skills are leaving to find better job opportunities. Their departure has very real and serious consequences for the communities they leave behind because it creates a vicious circle. As more people leave, fewer people are left behind. This small population base leads to a decline in available services, which forces even more people to leave. Often, those who are left behind are older, less mobile and less able to adapt.

This decline in population also results in what has been termed "social exclusion," which means that individuals are unable to fully take part in their communities. Many people living in rural areas often have difficulty accessing health, education and other services, and these difficulties affect some groups more than

others, especially where transportation is an issue. For instance, children may not be able to partake in after-school programs due to a lack of transportation. Single mothers often do not have access to affordable child care or other services, and seniors may have difficulty finding health care services and affordable housing.

Last September, the Public Health Agency of Canada released a study entitled *How Healthy are Rural Canadians?* The report showed that rural Canadians are generally less healthy than their urban counterparts. They have shorter life expectancies and are more likely to die from suicide.

Honourable senators, overall mortality due to injuries and poisoning is also higher in rural Canada. Certain rural-based industries, such as farming, fishing and forestry, have high levels of occupational hazards. As well, people living in rural areas generally need to travel more to work, shop or for other reasons, resulting in injuries or fatalities due to highway accidents.

We also know that health is closely related to economic and social factors, such as income and education. Unfortunately, these factors tend to be lower in rural areas. For instance, the highest proportion of low-income families in my province live in rural areas.

As for education, Canada-wide, the proportion of people aged 20 to 34 with less than a high school education is 23 per cent in rural areas compared with 14 per cent in urban areas. Both these factors have an effect on overall health and well-being.

During the hearings we held last fall, we heard many different ideas on how rural Canada can be revitalized. Some encouraged rural communities to create alliances with other neighbouring rural communities and even with neighbouring urban areas. Some advocated making urban Canadians more aware of the importance of rural communities to their own well-being, like a safe food supply or clean water. Some witnesses spoke about the great potential of tourism, immigration and the decentralization of government services. In the case of agriculture in particular, some indicated a need for a complete overhaul of our federal agriculture policy.

The problem of poverty in rural Canada is real, and we have to remember that it does not just affect poor people in rural communities. It is a problem that undermines the strength of society as a whole. Rural poverty means that a significant percentage of the Canadian population is excluded from full participation in the economic and social life of this country. It means that a significant percentage of the Canadian population is not contributing as it should to Canada's growth and development.

Coming from a rural community, I am deeply aware of the problems that these communities face, and I hope that we can develop public policies to help individuals and communities to help themselves, which will lead to a better and brighter future for rural Canada.

On motion of Senator Mercer, debate adjourned.

• (1540)

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON PRESENT STATE AND FUTURE OF AGRICULTURE AND FORESTRY— REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Agriculture and Forestry (*budget—study on present state and future of agriculture and forestry*), presented in the Senate earlier this day.—(*Honourable Senator Fairbairn, P.C.*)

Hon. Joyce Fairbairn: Honourable senators, I move the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—STUDY ON MATTERS RELATING TO MANDATE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Energy, the Environment and Natural Resources (*budget—study on matters related to mandate*), presented in the Senate earlier this day.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators, I move the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

NATIONAL SECURITY AND DEFENCE

BUDGET—STUDY ON NATIONAL SECURITY POLICY— REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the twelfth report of the Standing Senate Committee on National Security and Defence (*budget—study on national security policy*), presented in the Senate earlier this day.—(*Honourable Senator Kenny*)

Hon. Tommy Banks: Honourable senators, I move the adoption of the report.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Hon. Terry Stratton: Honourable senators, I have a question for Senator Banks. I would ask, where is the chairman of your committee today?

Senator Banks: Honourable senators, I am not sure where the deputy chair is.

Senator Stratton: Are you saying that we have neither the chair nor the deputy chair present to answer questions?

Senator Banks: That is correct.

Senator Stratton: We are being asked to approve this budget without them here, in essence. Yes or no?

Senator Banks: That is the motion, yes.

Senator Stratton: I hope you would know how to answer the questions.

Senator Banks: I will attempt to do so.

Senator Stratton: You have listed under your special study a budget request that was originally \$283,000 and has now been reduced down to \$213,882 at the Internal Economy Committee. When you go through the breakdown of the original budget of \$283,000, under item No. 1 there is a listing for "various advisers." One is a senior military adviser for 12 months at \$3,308 per month, for a total of \$39,700; the other is for a military adviser for enlisted personnel for three months at \$500 per month, for a total of \$1,500; and then there is a full-time national security adviser, which the Internal Economy Committee did not approve. This is a new position and it has not been explained to us at all.

When we get back, we will be waiting to hear from all committees on major budget items and this will be one of those items with respect to the overall budget for the Security and Defence Committee. I think the overall budget is well over \$900,000, and approaching \$1 million.

The list goes on: A writer/editor/researcher, 67 days at \$800 a day, for a total of \$53,600; communications consultant for 25 hours at \$200 per hour for a total of \$5,000; clerical assistance, 12 months at \$3,085 per month for \$37,000; and a miscellaneous line item for \$10,000.

Could the senator give an explanation to this chamber as to the reason for the senior military adviser, the military adviser for enlisted personnel, and the full-time national security adviser, please?

Senator Banks: As Senator Stratton said, the explanation for the national security adviser is forthcoming to the Internal Economy Committee. The amount for that has been removed from this budget. I will leave it to the chair to do that because the motion today does not contemplate that \$60,000, which has been removed from the budget.

However, in respect of the senior military adviser and the military adviser for enlisted personnel, are those the two that the honourable senator asked about?

Senator Stratton: An explanation was asked for the senior military adviser, for \$39,700; the military adviser for enlisted personnel, at \$1,500; and the senior intelligence and national security adviser, again for \$39,700.

Senator Banks: I will explain those to the best of my ability.

Honourable senators, I think that the best explanation is given in the frequency and completeness that is reflected in the reports of the committee, but I will tell you what these people do. The senior military adviser, who has been with the committee for about three years now, is retired Lieutenant-General Keith MacDonald. I am speaking now about the history of the committee, not only in respect of the present government but also the previous government and its senior officers, its ministers and its deputy ministers. We do not get straight answers. We do not get the kind of answers that allow us to draft and to present to this place reports that are as clear and concise and incisive, if I may be immodest, as the reports which that committee does bring. We need good advice in order to find out who is blinking when, and where to go to find out the answers to questions to which the original answers were obfuscation and evasion. We have come to learn that that is the business of senior people in this place, to sometimes obfuscate and evade. We need ways around that, and the way we can get around that, to a degree, is by seeking and engaging expert advice, not to tell us what the answers are, but to explain to us how we can obtain the answers that we seek. Retired Lieutenant-General MacDonald is very good at that.

The military adviser, enlisted personnel, is a retired warrant officer, but not merely that, he is a chief warrant officer and is not merely a chief warrant officer but the senior non-commissioned officer of the army. He was the NCO of the army of Canada. His name is Sergeant Dessureault. I will give you an idea of how handy he is to us. You will notice that he is only here for three months, at \$500 a month.

When we went to a particular military base, we arrived at the airport and were met at that airport with a bus, onto which all of us loaded — the chair, the deputy chair and all the rest of us and our staff. The commanding office of the base sent his car for Sergeant Dessureault because that is representative of the regard in which he is held in the army — not only when he was in it but also, since he is now retired by those who continue in command of the army. That is why we engage Sergeant Dessureault. That is why we engage Sergeant Dessureault.

• (15:50)

The Senior Intelligence and National Security Advisor is former director of security intelligence at Canadian Security Intelligence Service, CSIS. The honourable senator may transpose to this answer everything obfuscatory and evasive that I said in respect of answers that we receive, at times, on matters of security intelligence when we speak to people here. That stands too for the advice that we need to determine how to find the answers that allow the committee to present the kinds of reports that it does. That is what Mr. Barry Denofsky, Senior Intelligence and National Security Advisor does. I was asked if there was any urgency in the committee's budget, but I do not know that answer. His name is Barry Denofsky, former director of security intelligence at CSIS, and he assists the committee in that regard. I will not explain the full-time national security advisor to the honourable senator because that will be explained, as Senator Stratton said, at the meeting at which that amount in the budget is considered. It has been removed from the current budget.

Senator Stratton: The honourable senator realizes that this is unique to all committees. It is usual for the Banking Committee to be comprised of members that have an expertise in, and background of, business with respect to banking. The same can be said of the Standing Senate Committee on Legal and Constitutional Affairs. I understand the explanation but I cannot understand the quantities that are required.

Moving to line item seven under that budget request, there are conference fees for \$5,000. Can Senator Banks advise the house as to the nature of the conference? Two conferences are mentioned two pages further on — one is in San Pedro, California, for one senator for \$5,820 from April 11-12, 2007; the second one is from May 22-24, 2007, for two senators for \$12,310. I assume that the San Diego trip is not in this budget request. Although the number does not seem to jibe, that request would be for the trip to San Pedro.

Senator Banks: It is my understanding that conferences explained in budget applications are provided as examples and not as specifics. Committees have, from time to time, changed the conference as events arise during the course of a fiscal year. The conference will be attended, provided it stays within the proscribed purview of the committee and the budget allowed for that purpose. I assume that the honourable senator is right but, as with all conferences, new ones come up and some are cancelled. There is movement within the purview of a committee to deal with that.

Senator Stratton: For the record, the following conferences are also listed: Anaheim, California, for two senators for \$13,500, August 6-11, 2007; in Zurich, Switzerland, for two senators for \$24,280; and London, England, for two senators for \$18,950.

The \$5,000 listed in the application should be clear as to which conference the committee seeks the approval of the house. I ask that. In the future, I hope that I would not stand and pass, or vote in favour of, this budget without the questions being responded to by the chairman or the deputy chairman. It is inappropriate to have someone else do that.

I have a further question. A fact-finding trip to Newark and Washington is listed, wherein the committee has budgeted for nine senators, two clerks, one consultant, two researchers and a media relations person for a total of \$114,900. My understanding is that six senators sit on that committee. Is that correct?

Senator Banks: No, as your leader has said, there are nine senators sitting on the Defence Committee.

Senator Stratton: Forgive me, but as whip on our side, I believe that there are only six.

Senator Banks: Senator Stratton, in answer to my question yesterday, the Leader of the Government in the Senate said that there were no vacancies and that replacements are yet to be named. It is not a matter for either you or me to decide how many senators sit on that committee because the Senate has decided that nine senators sit on the Defence Committee.

Senator Stratton: If the committee has budgeted for nine and only six, five or four senators travel, for those senators who do not travel, the money for their air fare, hotel accommodations, meals, et cetera will be put back into the Senate and not used for other purposes. Is that the understanding of the honourable senator?

Senator Banks: Senator, that is the rule that has always been applied and the usual practice in this place. The honourable senator knows that I have never been a member of a committee that budgets for all its members to travel on all of its fact-finding trips and all its hearings away from Ottawa. I have never seen one such trip when all members of a committee travel and for which the money is not returned to the Internal Economy Committee for distribution to other committees.

Senator Stratton: We will not address that aspect again because earlier it caused quite a kerfuffle. I am delighted to know that the honourable senator has made the commitment such that the monies budgeted for the air fare, accommodation and meals of senators on the Defence Committee who do not travel will be returned to the Senate. Thank you very much for that.

Hon. Lowell Murray: Honourable senators, the matter that puzzles me might more appropriately be directed to the chair of the Defence Committee or to someone authorized to speak for the Internal Economy Committee. However, I will address my concern to Senator Banks. There might be a simple explanation.

According to Appendix B of the report presented Thursday, March 29, 2007, the house is being asked to approve a total budget of \$213,882. Yet, the budget presented by the National Security and Defence Committee to the Internal Economy Committee showed a grand total of \$957,360. Under the signature of the Principal Clerk of the Committees Directorate and the Director of Finance, it states that the Senate administration has reviewed this budget application. Therefore, I understand that the Internal Economy Committee has approved the budget amount of \$213,882 of the \$957,360 that is being requested. Where is the difference between the two figures? Is Internal Economy withholding judgment or has that difference been refused by Internal? Is there a cash flow problem? Where does the Senate stand on this? Will the Defence Committee come back to Internal in tranches of \$200,000 and change until the total reaches \$957,360?

Senator Banks: The honourable senator is right in saying that the question ought properly to be answered by the Internal Economy Committee. I do not know the present circumstance but I believe I know the one that applies as in previous years. The expenditures totalling about \$213,000 have to be made in the next short period of time on the basis of commitments. It is a common thing not only for the Defence Committee but also for other committees that when a substantial budget has been presented, the larger budget attached to the first part of this report is the budget for the entire year, as presented to the Internal Economy Committee.

• (1600)

That committee has reviewed it and said that \$213,882 of it is required to be committed or spent before they get around — I am putting word's in the committee's mouth — to hearing from everyone else as to how it ought to be divvied up. In the

meantime, that committee has recommended, as I take it from the annex, the approval of this amount. This motion has to do precisely with \$213,882.

Hon. Peter A. Stollery: I am a member, together with Senator Downe and Senator Stratton, of the Subcommittee on Budgets. We met yesterday, and just so there is no misunderstanding, we know that the financial year ends this week. We are not sitting for a couple of weeks, so there are committee budgets. I know Senator Stratton presented a budget earlier dealing containing smaller amounts to deal with committee business. I remind everyone that the budgets not only went to the subcommittee, but this morning went to the full Internal Economy Committee.

The idea was that for people who had to travel, which is really the largest expense, we would approve enough to let them get on with their business. It has not been clear when the committee is going to meet on the budgets. Speaking on behalf of the Foreign Affairs Committee, it does not matter that much because we just finished a major project and we are now working on our plans. The whole idea was to facilitate committees that have plans.

If I am not mistaken, we decided yesterday that before the end of April, the Subcommittee on Budgets would meet again to deal with the rest of the budgets for the various committees. That is what our colleague is referring to. I do not think there is anything very peculiar here.

Today, we are facing the end of the fiscal year. Unless we want to sit tomorrow, which we can always do, the idea was to allow these committees to go off on their business and we will deal with the real business in the next fiscal year. We all know that a possible election is hanging over us, and that is the reasoning why only part of the budget was approved yesterday by the subcommittee and this morning, presumably, by the full committee.

Hon. Sharon Carstairs: Will the honourable senator tell me if he is the third member of the steering committee? Did he or the chair of the committee actually presented the budget to the subcommittee?

Senator Banks: I am the third member of the steering committee. It was the chairman, I believe, who presented the budget to the committee. I was not there.

I apologize, honourable senators, but in respect of this amount, Senator Stratton was asking about why we are providing dribs and drabs. He will note in the large budget, the whole \$980,000 that was presented, the first trip, which is to Newark and Washington, is in April.

I remind senators, as Senator Stollery has said, when a new fiscal year occurs, nothing happens until the Internal Economy Committee has decided to approve the respective budgets. April 1 is this week and then we have a two-week break. Airplane tickets have to be bought and hotels must be reserved, none of which can happen until this budget is approved.

On motion of Senator Tkachuk, debate adjourned.

BUDGET AND AUTHORIZATION TO TRAVEL—
STUDY ON VETERANS' SERVICES AND BENEFITS,
COMMEMORATIVE ACTIVITIES AND
CHARTER—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on National Security and Defence (*budget—study on veterans' services and benefits, commemorative activities and charter—power to travel*), presented in the Senate earlier this day.—(*Honourable Senator Kenny*)

Hon. Percy Downe: Honourable senators, I move the adoption of the report.

Hon. Terry Stratton: To avoid confusion, the chair of the subcommittee, as I understand it, is Senator Day, and he is not here either.

Senator Downe: Senator Day had to leave and asked me to move the adoption of the report.

Senator Stratton: Since Senator Downe is on the Subcommittee on Budgets, along with Senator Stollery and myself, perhaps he can answer these questions to clarify the record.

The original request for the trip to Vimy Ridge submitted by the committee was, in essence, to allow for four senators to travel to Vimy and Paris, as well as two staff. The Subcommittee on Budgets, for the record, reviewed this budget and reduced it so that three senators could travel and no staff. Is that the honourable senator's understanding?

Senator Downe: That is not only my understanding, that is absolutely correct.

Senator Stratton: Senator Stollery reaffirms that as well.

It is unfortunate that when it comes time for budget approval, the chairs of these committees should be here. When the chamber reacts like it just has with respect to the previous budget, it sends a message that hopefully they will understand for the future.

The event in Vimy taking place in April is very special, and it is critical that this budget be approved despite the fact that the chair is not here. The budget is in the amount of \$42,420, which includes travel for three senators only and no staff.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

HUMAN RIGHTS

BUDGET AND AUTHORIZATION TO ENGAGE
SERVICES—STUDY ON CASES OF ALLEGED
DISCRIMINATION IN HIRING AND PROMOTION
PRACTICES AND EMPLOYMENT EQUITY
FOR MINORITY GROUPS IN FEDERAL PUBLIC
SERVICE—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on Human Rights (*budget—study on cases of alleged discrimination in hiring and promotion practices and employment equity for minority groups in federal public service—power to hire staff*), presented in the Senate earlier this day.—(*Honourable Senator Fraser*)

Hon. Joan Fraser: Honourable senators, I move the adoption of this report.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Do you wish to speak, Senator Fraser?

Senator Fraser: Given my practice of asking other people what the money is for, I thought it would be appropriate to note that this is a very small budget. It is for \$3,300. I am the deputy chair of the committee, and the reason we are asking for accelerated approval of this budget is that the committee may wish to hear witnesses on the first day back from the break in connection with the committee's continuing study of employment equity in the public service.

Senators will be aware that the committee's first report on this matter has been well received and we believe will be influential. We are indeed continuing that work. That is all that is involved in this budget; it involves no travel.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

• (1610)

HAZARDOUS MATERIALS INFORMATION REVIEW ACT

MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill S-2, to amend the Hazardous Materials Information Review Act, and acquainting the Senate that they had passed this bill without amendment.

CANADIAN NATIONAL VIMY MEMORIAL

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire, calling the attention of the Senate to the final phase of the restoration of the Canadian National

Vimy Memorial, begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.—
(Honourable Senator Fraser)

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): Honourable senators, it is my privilege to rise and speak to Senator Dallaire's inquiry calling the attention of the Senate to the restoration of the Canadian National Vimy Memorial, which of course is a wonderful tribute to Canadians and to all the war dead.

Honourable senators, on Monday, April 9, a ceremony will be held in France to mark the anniversary of the Battle of Vimy Ridge, and to dedicate the restored Canadian National Vimy Memorial.

The battle began at dawn on April 9, 1917, when all four divisions of the Canadian Corps attacked Vimy Ridge. The commander of the corps that day would go on to become the Governor General of this country, Lieutenant-General Sir Julian Byng. By the afternoon of April 9, the Canadians had taken the crest of Vimy ridge. On April 12, 1917, they took Hill 145, and a large hill on the northern part of the ridge known as "the pimple." To that point in World War I, it was the largest advance on the Western Front.

No commentary on Canada's coming of age during the First World War would be complete without acknowledging the leadership of then Conservative Prime Minister Sir Robert Borden. As Prime Minister, he committed our country to provide half a million troops for the war effort, and his determination to meet that substantial commitment led to the Military Service Act.

The war effort provided the impetus for Canada to assert itself as an independent power. Sir Robert Borden oversaw the creation of a single Canadian army, rather than having our soldiers split up and assigned to different British divisions. The Minister of the Militia and Defence, Sam Hughes, ensured that the Canadian soldiers were well trained and prepared to fight in their own divisions. As honourable senators will no doubt agree, the Canadian soldiers proved themselves to be among the best in the world at the Somme, at Passchendaele, and especially Vimy.

Following Canada's efforts on the battlefields of Europe, Sir Robert Borden demanded that our country have a separate seat at the Peace Conference in Paris. Although this was initially opposed by Britain, and by the United States on the perception that this would mean an extra British vote, Borden replied that as our country had lost more soldiers than the United States in the war, Canada therefore had a right to such representation.

The British Prime Minister, David Lloyd George, eventually convinced the United States to accept the presence of separate delegations representing not only our own country but Australia, New Zealand and South Africa as well. Therefore, Sir Robert Borden's persistence not only allowed Canada to be represented at the Paris Peace Conference but also ensured that the other dominions could sign the Treaty of Versailles in their own right, and receive their own distinct membership in the League of Nations.

Honourable senators, over the next few days, many thousands of Canadians, including about 5,000 young people, will be travelling to France to attend the 90th anniversary event. Special tributes will be held across our country and on April 9, a commemorative ceremony will be held here in Ottawa at the National War Memorial.

At home or overseas, Canadians will gather this Easter Monday to remember the battle that began at dawn on another Easter Monday, 90 years ago. It is a wonderful coincidence that they both fall on Easter Monday.

The Battle of Vimy Ridge was a turning point in the First World War and one that helped shaped Canada as a nation. It was a battle with a devastating cost. There were 10,602 Canadian casualties, of which 3,598 were fatal. The Vimy memorial stands on Hill 145, which, as I mentioned, is the highest point on the ridge. It marks the site of the military victory and pays tribute to those Canadians who served their country in the "war to end all wars" and paid a high price.

Honourable senators, although 90 years have passed since the Battle of Vimy Ridge, it is heartening to know that Canadians continue to place solemn importance on honouring those soldiers who fought and died there so long ago. We must never forget this sacrifice of the past, a sacrifice that did so much to ensure the freedom and the liberty we cherish today. Lest we forget.

The Hon. the Speaker: If no other senator wishes to speak, this inquiry is considered debated.

HUMAN RIGHTS

MOTION TO AUTHORIZE COMMITTEE TO STUDY ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE 2005 DECLARATION ON ANTI-SEMITISM AND INTOLERANCE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Stollery:

That the following Resolution on Combating Anti-Semitism which was adopted unanimously at the 14th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Washington on July 5, 2005, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than October 30, 2006:

RESOLUTION ON COMBATING ANTI-SEMITISM

Recalling the resolutions on anti-Semitism by the OSCE Parliamentary Assembly, which were unanimously passed at the annual meetings in Berlin in 2002, in Rotterdam in 2003 and in Edinburgh in 2004,

1. Referring to the commitments made by the participating states emerging from the OSCE conferences in Vienna (June 2003), Berlin (April 2004) and Brussels (September 2004) regarding legal, political and educational efforts to fight anti-Semitism, ensuring

"that Jews in the OSCE region can live their lives free of discrimination, harassment and violence",

2. Welcoming the convening of the Conference on Anti-Semitism and on Other Forms of Intolerance in Cordoba, Spain in June 2005,
3. Commending the appointment and continuing role of the three Personal Representatives of the Chairman-in-Office of the OSCE on Combating Anti-Semitism, on Combating Intolerance and Discrimination against Muslims, and on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions, reflecting the distinct role of each in addressing these separate issues in the OSCE region,
4. Reaffirming the view expressed in earlier resolutions that anti-Semitism constitutes a threat to fundamental human rights and to democratic values and hence to the security in the OSCE region,
5. Emphasizing the importance of permanent monitoring mechanisms of incidents of anti-Semitism at a national level, as well as the need for public condemnations, energetic police work and vigorous prosecutions,

The Parliamentary Assembly of the OSCE:

6. Urges OSCE participating states to adopt national uniform definitions for monitoring and collecting information about anti-Semitism and hate crimes along the lines of the January 2005 EUMC Working Definition of Anti-Semitism and to familiarize officials, civil servants and others working in the public sphere with these definitions so that incidents can be quickly identified and recorded;
7. Recommends that OSCE participating states establish national data collection and monitoring mechanisms and improve information-sharing among national government authorities, local officials, and civil society representatives, as well as exchange data and best practices with other OSCE participating states;
8. Urges OSCE participating states to publicize data on anti-Semitic incidents in a timely manner as well as report the information to the OSCE Office for Democratic Institutions and Human Rights (ODIHR);
9. Recommends that ODIHR publicize its data on anti-Semitic crimes and hate crimes on a regular basis, highlight best practices, as well as initiate programs with a particular focus in the areas of police, law enforcement, and education;
10. Calls upon national governments to allot adequate resources to the monitoring of anti-Semitism, including the appointment of national ombudspersons or special representatives;
11. Emphasizes the need to broaden the involvement of civil society representatives in the collection, analysis and publication of data on anti-Semitism and related violence;

12. Calls on the national delegations of the OSCE Parliamentary Assembly to ensure that regular debates on the subject of anti-Semitism are conducted in their parliaments and furthermore to support public awareness campaigns on the threat to democracy posed by acts of anti-Semitic hatred, detailing best practices to combat this threat;
13. Calls on the national delegations of the OSCE Parliamentary Assembly to submit written reports at the 2006 Annual Session on the activities of their parliaments with regard to combating anti-Semitism;
14. Calls on the OSCE participating states to develop educational material and teacher training methods to counter contemporary forms of anti-Semitism, as well as update programs on Holocaust education;
15. Urges both the national parliaments and governments of OSCE participating states to review their national laws;
16. Urges the OSCE participating states to improve security at Jewish sites and other locations that are potential targets of anti-Semitic attacks in coordination with the representatives of these communities.—(*Honourable Senator Comeau*)

Hon. Willie Adams: Honourable senators, today is the last day on which the Senate will be sitting before the Easter break. I may not be able to make the next sitting. I was talking to Senator George Baker, who cannot be here this afternoon. He would like this motion to be adjourned in his name until the next sitting.

On motion of Senator Adams, for Senator Baker, debate adjourned.

THE SENATE

GENDER EQUALITY—INQUIRY— DEBATE ADJOURNED

Hon. Terry M. Mercer rose, pursuant to notice of March 27, 2007:

That he will call the attention of the Senate to gender equality in the process of governance, specifically how we, as senators in the Senate of Canada, can be a model for gender equality by requiring that the number of senators in this place be composed of 50 per cent women and 50 per cent men.

He said: Honourable senators, it is with great pride that I stand here today to start the debate on this very important inquiry on gender equality in the Senate. We have in the Senate, together with our colleagues in the other place, a historic opportunity that we must grasp with both hands.

Many proposals are currently on the table for Senate reform. The entire process by Canada's "growing old" government for Senate reform is piecemeal and is only designed to offer an olive branch to the Prime Minister's Conservative friends.

The issue I speak of today is not political. It is one of basic human rights. It is widely accepted here in Canada and abroad that more equitable representation by women in Parliament is needed to reflect the composition of society and to ensure that women's diverse interests are being represented.

Women make up more than 50 per cent of the Canadian population. In fact, honourable senators, today marks a very historic date in the history of women in politics in Canada. It was on this day in 1993 that the only woman ever elected as first minister of any government in a province in Canada took her place in the legislature of Prince Edward Island, when Senator Callbeck became premier of Prince Edward Island.

Hon. Senators: Hear, hear!

Senator Mercer: We all congratulate her and know that she has been a leader ever since, along the way.

Although women play important leadership roles in many organizations, their representation in public office remains considerably lower than that of men in Canada and worldwide.

• (1620)

Equal Voice is an action group dedicated to raising publicly the issue of under-representation of women in Parliament, in Canada and in the provinces. I am a member of this organization, as many of you may be. We want to help create a climate in which more women will be elected to help govern Canada.

According to the Inter-Parliamentary Union, IPU, with only 64 women in the House of Commons — only 21 per cent of MPs — Canada ranks forty-eighth in the world among democracies in terms of women's representation in the national legislature, after Iraq, Afghanistan, Pakistan and Portugal.

Here in the Senate there are 32 women. That number represents 34.4 per cent. That is one of the highest representative groups of women in the world, but we are still behind. We are still nowhere near a 50-per-cent target of men and women in the entire Parliament of Canada.

Honourable senators, should a target of 50 per cent of women in the Senate and other place be set? Yes. Can it be achieved? Yes. The results of other countries around the world speak for themselves when it comes to their elected parliaments.

According to the Library of Parliament's paper, entitled *Women in Parliament*, by the end of 2005, 18 countries had succeeded in meeting more than 30-per-cent representation by women. One quarter of these countries are Nordic, which have made long-standing efforts to increase participation of women.

Another quarter are so-called post-conflict countries such as Burundi, Mozambique, Rwanda and South Africa. In these cases, the increased representation of women is not the result of incremental progress; it is a radical reconceptualization of the electoral and parliamentary process in a way that recognizes the importance of equality between men and women.

Wales recently became the first jurisdiction to elect 50-per-cent women, ahead of Sweden and other Nordic countries who, again, have done a better job in achieving gender equality in their parliaments.

However, we, as Canadian senators, are not elected; we all know that. This is why there is a golden opportunity to achieve gender equity now in Canada. This goal can be achieved because of the selection process for senators; that is, we are appointed to this place.

Honourable senators heard yesterday my honourable colleague, Senator Banks, speak to the issue of vacancies in this place. I wholeheartedly agree with him. The Constitution Act, 1867, sets out the means by which Canada is to be governed. Section 24 of the Constitution Act, 1867, obliges the government of the day to name persons to the Senate. Section 32 of the act describes what happens in the event of vacancies in the Senate.

As Senator Banks suggested, those sections create a legally binding obligation on the government to replenish the membership of the Senate. Canada's growing-old government has done nothing to fill these vacancies.

The regions are increasingly under-represented here in this place because of the inaction of the Prime Minister. Rather than appoint more women to this place, he chose to try to limit terms of senators. He is also trying to bring in an election mechanism for senators, which I do not think he believes will achieve equality on other fronts for this place.

I say this because it has not passed first reading in the other place. During his 10 years as prime minister, Jean Chrétien appointed 33 women to this place. That is the most women appointed by any prime minister in the history of Canada, and still is. Of his 75 appointments to the Senate, 44 per cent were women.

Honourable senators, what would happen to gender equity in this place if the current Prime Minister appointed all women to fill the vacancies? Let us look at the math. I know the Leader of the Government and I have had some discussions about her math with respect to the Wheat Board, so I will try to walk honourable senators through this carefully.

There are currently 32 women and 61 men, with 12 vacancies, in the Senate of Canada. If we base the percentages on 93 — the total seats in the Senate that are currently filled — it would be women, 34.4 per cent and men, 65.6 per cent. If all 12 vacancies were filled by women, it would raise the total to 44 women, making it 42 per cent. That is a 22-per-cent increase.

There are four retirements in 2008. Those additional appointments of women would raise the number to 48, making 45.7 per cent of senators women. There are 12 retirements in 2009; and if those seats were filled by women, the number would rise to 60 women, making the total 57 per cent.

Honourable senators, according to my math, we could achieve gender equity in the Senate in a mere two years if we had the commitment not only of the current Prime Minister, but also of my leader, the Leader of the Opposition in the other place, who, during this period, we hope will become the Prime Minister and will follow my recommendations.

This situation would result, almost 80 years later, in what the Famous Five started. Until 1929, one would deny women access to the Senate; the word "persons" in the British North America Act did not include women. However, as persons, they were able to vote in all federal and most provincial elections.

In 1927, five remarkable Alberta women fought the interpretation of the word "persons." That time, they did not succeed. Two years later, the judicial committee of the Privy Council of Great Britain, which was still the highest court of appeal for Canada, declared that the word "persons" included men and women.

I highlight this issue as a means to show honourable senators that one way we can reform this place, and Canada as a nation, is to achieve gender equity. Let us live up to the legacy of the Famous Five.

I have shown honourable senators that achieving equity can be simple; but it would mean so much more.

Since the early 1980s, major Senate reform proposals have favoured an elected Senate, arguing that this would give the Senate enhanced democratic legitimacy. Opponents of election argue that it would make the Senate duplicate rather than complement the representation of the House.

Senate elections may prevent any type of equalization between the sexes in this place. The appointment process for senators works, has worked and will continue to work if we look at reform in a meaningful way.

Options for Senate reform within the existing Constitution are wide ranging. For example, the Senate can alter practices in the chamber or committees, the committee structure, the allocation of time and resources among activities and related matters. Proposals for Senate elections hold that the provinces could hold elections for the purpose of identifying nominees, and prime ministers could routinely appoint the election winners without changing the appointment process.

In this scenario, has there been any discussion as to making sure that the list of nominees includes 50- per cent women? Let us look at the provinces and their current senators.

Alberta has three out of six senators who are women. That is 50 per cent, so they have already achieved equity. In British Columbia, two of five are women, for 40 per cent. In Manitoba, four out of six are women, for 66.6 per cent. In New Brunswick, four of the nine are women, for 44 per cent. In Newfoundland and Labrador, it is two out of five, for 40 per cent. In my province of Nova Scotia, it is one out of seven, for only 14.28 per cent, which is a shame. Ontario has six women out of 22, for 27 per cent. Prince Edward Island has two of three, for 66 per cent. Quebec has five of 23, for 21.73 per cent; and Saskatchewan has three out of six, for 50 per cent, again achieving equity.

Honourable senators now can see that many provinces already have gender equity when it comes to senators, but some are far behind, including my own province. We have three vacancies in Nova Scotia, so we could fix that pretty fast.

We can start now to rectify gender equity in the Senate by doing it as a whole. Then we can look at ensuring each province is comprised of 50 per cent men and 50 per cent women, which would achieve our original goal.

[Senator Mercer]

I ask honourable senators to think about what I have said today.

• (1630)

I ask honourable senators to add their own voice to this inquiry. I also ask for a clear commitment today from the current Prime Minister and from the party leaders of the other parties, including my own leader, to agree that the approach to achieve gender equity, which I have spoken of, can work. It can be achieved. If we are to talk the talk, we must walk the walk.

Increasing the proportion of women in Canada's Parliament is important to ensure that Parliament represents the Canadian electorate in all its diversity. While the Canadian electorate appears equally likely to elect men and women candidates, women still represent a minority of candidates in federal elections. Canada's growing-old government is again merely trying to bring about piecemeal reform to this important institution of Canada to appease its friends. This place deserves better than that. This place deserves to be a model of equity in Canada and in the world. Let us get it done.

On motion of Senator Carstairs, debate adjourned.

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I wonder if I might have leave to proceed to certain items on the Order Paper and come back to our place later. The specific items for which I would ask leave to proceed to are items 154, 157, 158, 161, 162, 163, 164 and 165, following which we would come back to our place on the Order Paper.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Hon. Roméo Antonius Dallaire: Exactly what is the senator telling us?

Senator Comeau: I am almost positive that these are items we can deal with quickly, so we want to be sure they get done today, if possible. We have a house order coming up at 5:15 p.m. whereby the Governor General will be attending the Senate, so we would like to get these items dealt with now, which would leave us plenty of time to listen to Senator Dallaire and Senator Di Nino who have some items on the Order Paper that we would like to bring forward.

Senator Dallaire: This is not the first time I have been pushed off to the right because I am so far down the pecking order.

Senator Cools: You are not lower than I am.

Senator Dallaire: Thank you for that.

I am requesting that the order be changed when we come back so that I am not sitting here at the end again but that I might be further up the list. I know the time, but I want to take at least the 15 minutes. I am quite prepared to push it over to the next sitting, but I would like Motion No. 150 to be moved up in the pecking listing, if possible.

Senator Comeau: If the senator is denying leave, I accept his position.

Senator Dallaire: Forgive me. I do not want this to happen another 15 times. I am asking that when we come back on April 17 that this item on the Notice Paper not sit where it is but that it be one of the first motions to be dealt with, if that is possible.

Hon. Sharon Carstairs: I am not sure that my honourable friend understands that we are not adjourning all items for today. We are not doing that, as we sometimes do. The intention is to deal with a group of procedural motions quickly, and then we will return today to the rest of the items on the Order Paper and Notice Paper.

Senator Dallaire: I was talking with our deputy leader and was left with the impression there would not be time left. That is why I raised the matter.

The Hon. the Speaker: Is leave granted for the request of Senator Comeau?

Hon. Senators: Agreed.

ABORIGINAL PEOPLES

COMMITTEE AUTHORIZED TO STUDY RECENT REPORTS AND ACTION PLAN CONCERNING DRINKING WATER IN FIRST NATIONS' COMMUNITIES

Hon. Gerald J. Comeau (Deputy Leader of the Government), for Senator St. Germain, pursuant to notice of March 20, 2007, moved:

That the Standing Senate Committee on Aboriginal Peoples, in accordance with rule 86(1)(q), be authorized to examine and report on recent work completed in relation to drinking water in First Nations' communities, notably: the November 2006 *Report of the Expert Panel on Safe Drinking Water for First Nations*; the 2005 Report of the Commissioner of the Environment and Sustainable Development on *Drinking Water in First Nations Communities*; and the Department of Indian Affairs and Northern Development's Plan of Action to address drinking water concerns in First Nations' communities.

That the Committee submit its report on this matter to the Senate no later than June 15, 2007.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF CASES OF ALLEGED DISCRIMINATION IN HIRING AND PROMOTION PRACTICES AND EMPLOYMENT EQUITY FOR MINORITY GROUPS IN FEDERAL PUBLIC SERVICE

Hon. Joan Fraser, for Senator Andreychuk, pursuant to notice of March 21, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights which was authorized to examine cases of alleged discrimination in the hiring and promotion practices of the Federal Public Service and to study the extent to which targets to achieve employment equity for minority groups are being met, be empowered to extend the date of presenting its final report from March 31, 2007 to March 31, 2008 and that the Committee retain until June 30, 2008 all powers necessary to publicize its findings.

She said: Honourable senators, I move the adoption of this motion. While I am on my feet, I will be moving four similar motions. They are for the simple extension of studies that the Senate has already approved. The one that may be of the most immediate interest to some senators will involve, when we get to it, our study on the rights of the child. In that instance, the committee is just a one-month extension because we are down to the final work on our report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Anne C. Cools: Honourable senators, I wish to ask a question. Are we on motion 157? I would urge honourable senators to be more attentive to the scripting of these motions. We are passing all manner of oddities in this place.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. Joan Fraser, for Senator Andreychuk, pursuant to notice of March 21, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights which was authorized to invite the Minister of Indian and Northern Affairs concerning the recommendations contained in the Committee's report entitled *A Hard Bed to lie in: Matrimonial Real Property on Reserve*, tabled in the Senate November 4, 2003, be empowered to extend the date of presenting its final report from March 31, 2007 to March 31, 2008 and that the Committee retain until June 30, 2008 all powers necessary to publicize its findings.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF EVACUATION OF CANADIAN CITIZENS FROM LEBANON

Hon. Peter A. Stollery, pursuant to notice of March 27, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Tuesday, October 24, 2006, the Standing Senate Committee on Foreign Affairs and International Trade, which was authorized to examine and report on the evacuation of Canadian citizens from Lebanon in July 2006, be empowered to extend the date of presenting its final report from March 30, 2007 to June 29, 2007; and

That the Committee retain until September 30, 2007 all powers necessary to publicize its findings.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ANTI-TERRORISM ACT

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Joan Fraser, for Senator Smith, pursuant to notice of March 27, 2007, moved:

That, notwithstanding the Orders of the Senate adopted on Tuesday, May 2, 2006, on Wednesday, September 27, 2006 and on Thursday, December 14, 2006, the date for the Special Senate Committee on the Anti-terrorism Act to submit its final report be extended from March 31, 2007 to February 23, 2008.

She said: Honourable senators, I move the adoption of this motion, which extends the final reporting date for the Senate Special Committee on Anti-terrorism in order that the committee may follow the work of the government in responding to the recent Supreme Court decision in the case of *Charkaoui*. The Supreme Court of Canada gave the government one year to respond to that decision, and the deadline we now propose for the special committee is tied to that date.

Hon. Anne C. Cools: Honourable senators, I do not know who is scripting some of these motions, but the bringing in of the report is being postponed a year. Some explanation is required as to why the estimate of time within which the committee was supposed to work is being so drastically altered. Some reasons have to be given. Has the committee fallen down? Have people been sick? What has happened?

Senator Fraser: Honourable senators, as I just tried to explain, this is to enable the committee to respond to the government's response to the Supreme Court decision on the matter of security certificates in the *Charkaoui* case. The Supreme Court set a deadline of February 23, 2008, and that is why the committee is asking for that to be our deadline as well.

Senator Cools: I understand that, except in the previous motion it is quite routine. The same thing has been happening. Report dates are being extended a year at a time. I can see not one committee having difficulty, but every single committee having difficulty meeting its agreed-upon final reporting date. One simply cannot alter previous decisions of the Senate in this way. There should be some discussion and debate. Possibly there are very good reasons but, other than your explanation, they have not been placed before the house.

• (1640)

One of those motions, in passing, has an additional oddity. In addition to extending the date of its final report, the committee is allowed to retain for several more months all powers necessary to publicize its findings. These are very odd orders of reference to be making. A committee is always free, as is its chairman, to speak on any of its reports.

Maybe this is where the whole system is going, and maybe there are good and valid reasons, I do not know, but I find something just appearing on the Order Paper and just being voted upon like that, without question, to be a little odd. Some of these people are doing excellent work, so I am not on the substance of the issue.

Hon. Sharon Carstairs: Honourable senators, these reports of the Human Rights Committee, of which I was the chair, have in fact been reported. They have been tabled in the Senate, and they have been debated in the Senate. We have now engaged the departments in responding to those reports so that we know where they are standing on Aboriginal property rights for women, for example. We want that extension not because there will be an entire discussion of this issue over and over again, but so that we can monitor very carefully just what the government is doing in this regard.

Senator Cools: That is a very worthy and desirable object, and easy to support.

However, my eyes fall on, for example, Motion No. 158, which was voted on, and No. 157. The date of presenting the final report is being moved from March 31, 2007 to March 31, 2008. Honourable senators must admit that that is an oddity. The committee is asking if they may present the final report, instead of on March 31, 2007, on March 31, 2008, which is a whole year, and then someone is putting into the order here something about retaining the power to publicize their proceedings. I do not know what "publicize their proceedings" means. Does that mean televise? Does it mean something to do with the press? It is very vague and not clearly written, and it is not sufficiently clear as to what authority is being really asked for from the Senate.

I have served on countless committees, and committee chairman will come here and ask for an extension of their report date. I remember it happened on one particular committee, I think it was Child Custody and Access, but it took a debate. Reasons had to be given to the Senate as to why the date was being extended to make their report. I am only saying that we should proceed perhaps in a bit more of an orderly and well informed way. No committee needs additional powers to be able to publicize unless, as I said before, "publicize" means something other than to make public. Every committee has that authority already. As a matter of fact, every hearing is a public hearing. It is all very odd.

These are important facts, and these motions are especially more important in today's committees when very few senators are actually involved in the drafting of the motions. We are now living in a very odd time. We now have a situation where motion after motion, notice after notice, does not involve the hand of a single senator in the drafting or production of them. That is happening as well with committee reports. I served here when we produced reports and senators had a real hand in writing and producing reports. We should pay very careful attention to what it is that we are asking of others.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES RELATED TO NATIONAL AND INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Hon. Joan Fraser, for Senator Andreychuk, pursuant to notice of March 27, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006, the Standing Senate Committee on Human Rights which was authorized to monitor issues relating to human rights and, *inter alia*, to review the machinery of government dealing with Canada's international and national human rights obligations, be empowered to extend the date of presenting its final report from March 31, 2007 to March 31, 2008 and that the Committee retain until June 30, 2008 all powers necessary to publicize its findings.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF INTERNATIONAL OBLIGATIONS REGARDING CHILDREN'S RIGHTS AND FREEDOMS

Hon. Joan Fraser, for Senator Andreychuk, pursuant to notice of March 27, 2007, moved:

That, notwithstanding the Order of the Senate adopted on Wednesday, November 29, 2006, the Standing Senate Committee on Human Rights which was authorized to examine and report upon Canada's international obligations in regards to the rights and freedoms of children, be empowered to extend the date of presenting its final report from March 31, 2007 to April 30, 2007 and that the Committee retain until July 30, 2007 all powers necessary to publicize its findings.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Joyce Fairbairn, pursuant to notice of March 27, 2007, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Agriculture and Forestry be authorized to sit on Friday, March 30, 2007, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

VICTIMS OF CRIME

INQUIRY—DEBATE ADJOURNED

Hon. Consiglio Di Nino rose pursuant to notice of March 27, 2007:

That he will call the attention of the Senate to problems and challenges faced by victims of crime.

He said: Honourable senators, when we think about what it means to be a civilized society, protection of the vulnerable is always top of mind. Yet, there are segments of society that our social safety net still fails to catch. Victims of crime, particularly victims of violent crimes, are one such group.

Their plight frequently captures the attention of Canadians, but all too often only in passing. Let me share with you some of the stories of some of the people who have been direct victims of crime and the repercussions which have impacted many others.

Fifteen-year-old Jonathan Wamback was walking home from school one day when he was viciously beaten by a group of teenaged boys. The kicks to Jonathan's head and upper body shattered his skull and bone fragments severed major arteries. Doctors told his parents, Lozanne and Joe, that he was not expected to live, but after an extraordinary struggle, including three months in a coma and seven months paralyzed, he thankfully survived.

After almost killing Jonathan, the accused were charged with aggravated assault. One of them was acquitted. As Jonathan's mom says, "We were helpless and angry. While my son was in a hospital bed, the accused were out on bail in seconds."

Life for the family has not been easy, and support for them has been precious little. After four years of waiting for help from agencies created for that purpose, they gave up. The Wambacks know their miracle son will likely need assistance for the rest of his life, and now their focus is on providing for his future.

I have become friends with Jonathan and his mom and dad and can personally attest to their courage, perseverance, commitment and their frustration.

Colleagues, there are too many other tragic stories. Let me share a few others with you.

Fourteen-year-old Robbie McLennon was viciously attacked, tortured and beaten to death by a group of teenagers. When Robbie died, so did his family's dream of a normal happy life. His mother, Kathy, says, "We received a life sentence without any chance of this horror ever going away. I will mourn for Robbie for the rest of my life." Her painful memories are compounded by the knowledge that one of the convicted young offenders now lives among them. Robbie's mother still has nightmares, and the now financially compromised family unit cannot provide needed counselling for their youngest son or for her husband, who had to identify Robbie's body.

• (1650)

Another story is about a 14-year-old young woman who answered a door one evening and was shot in the face and killed by a young friend. After the police investigation ended and the family returned home, they were left to clean her bone and tissue from their home. To her mother's horror, the Crown negotiated a plea bargain allowing the accused to spend only two years in a youth facility. She learned of the bargain the day before it was approved.

Despite this crippling emotional trauma of the young woman's younger brother, he does not qualify for assistance.

Naomi Almeida was five years old when she was abducted from her father's home in London, Ontario, in August 2001. Naomi was later found one block away. She had been sexually assaulted, murdered and hidden in a duffel bag in a neighbour's apartment. Naomi was only 38 pounds, yet she had 138 wounds on her small body that were inflicted over a period of hours. She also had internal injuries.

Naomi's father, Al, and younger brother, Travis, still struggle to cope with day-to-day life. Her father said, "We always believed that our governments and agencies would be there to lend us a helping hand when we so desperately needed them, but there was no one. We were left on our own to try and survive."

Al has been unable to return to work full time and still has difficulty sleeping. He now concentrates on supporting and comforting Travis, who is now bullied at a local school by a gang of young thugs. The school board and police tell them that their hands are tied and they cannot help.

Gerald Leonard, a loving father of six, heroically intervened in a bank robbery in Montreal to protect a Bank of Montreal employee from harm. He was struck in the back of the head with a sawed-off shotgun. After spending months in hospital, partially paralyzed, he succumbed to his injuries in August 2006. His killer has not yet been caught.

His wife, Wanda, while coping with the enormous loss, struggled to access adequate services in the official language of her choice. Eight months later, Gerald's family is still waiting for the coroner's report.

Honourable senators, a father in Keswick, Ontario, whose 17-year-old son was attacked and left for dead a few years ago, tells us that today his only fear is leaving this world with no one to look after his permanently injured son when he is gone. This is a major concern for many families who have suffered as victims

after tragedy. Who will care for their loved ones they are no longer there? That is a major consideration.

Another story is about a mother of a murdered 15-year-old girl who sits demoralized as her daughter's killer receives a free university education in Canada's prison system, while her surviving son has never received any financial, educational or psychological assistance.

Honourable senators, these cases are heart-wrenching. Unfortunately, there are many, many more. Every year, thousands more become victims of violent crime. Behind every number is a story of a life that is tragically changed and, more often than not, shattered. For some, it is a grief unimaginable. It touches the lives of families, friends, neighbours and, indeed, the whole community. These people, too, are victims of crime.

We often hear of what happens to perpetrators who are found guilty. The media always reports on their fate. However, what do we hear about their victims' families, friends and communities? While their trauma is most acute in the moments of their victimization, all too often it is only the beginning of their pain and suffering. Victims may suffer hospitalization or lasting physical injury leading to loss of employment. Some victims are forced into social assistance. Emotionally, they may be scarred, living with anxiety, depression and fear. It can affect relationships with friends and family, and forever alter their lives.

From the first day victims or their families are thrust into the criminal justice system, challenges await. It may be the appearance of indifference by first responders, who may lack appropriate sensitivity training. It may be the long waits and paperwork for compensation claims that in the end may do little to ease financial burden and instead increase the psychological toll. It may be the lack of guidance in navigating through the system of criminal procedures, whether at trial, parole hearings and other such events. It may be the challenge of finding counselling or adequate services in the language their choice. Each endured slight compounds the sense of frustration and isolation.

In my own province of Ontario, the ombudsman, André Marin, released a report in February entitled *Investigation into the Treatment of Victims by the Criminal Injuries Compensation Board*. He calls the report, "Adding Insult to Injury." Mr. Marin discovered a litany of failures plaguing the body responsible for compensating victims of crime. He said that too few people knew about the existence of the compensation board and too many victims emerged "scarred and justifiably embittered by the bureaucratic sclerosis they have encountered." The average processing time for a claim was an astounding three years.

While that report is the most recent to come out of a provincial jurisdiction, and I am pleased to say that reforms have been introduced and funding has been pledged, I am left to wonder how much more needs to be done across Canada.

Honourable senators, all this is to say that we as citizens, policy-makers and a society must admit that we have not done enough.

On March 16, the federal government announced an injection of \$52 million into programs, services and funding for victims of crime over the next four years. It also announced the establishment of the Office of the Ombudsman for Victims of Crime.

I applaud these initiatives. The ombudsman's office will be independent of government. It will promote access to existing government programs, ensure the federal government meets its legislative and policy commitments, and identify and explore victims' issues.

The announcement of new funding will also help. Most will go toward the federal victims fund, which aims to "improve the experience of victims of crime in the criminal justice system."

The following are objectives of this initiative which, if implemented, will help ease current deficiencies.

It includes promoting participation by victims in the justice system, encouraging the development of law, policies and programs for victims at all levels of government, and the provision of limited emergency financial aid to those with exceptional circumstances.

The government announcements are welcome measures. Many in the victims' rights movement have been calling for the creation of an independent ombudsman's office for years. The additional funding is also a step in the right direction.

To be sure, there is more to be done. Our modern system of justice has been built around due process and fairness for the accused and, in a just and civilized society, that is as it should be. However, we have not been as fair and as just to victims and their families. They too are deeply affected by the administration of justice and all too often ignored.

Honourable senators, we cannot control the infliction of individual acts of criminality and violence, and what has been taken away we surely cannot restore, but we do have the ability to influence how victims and their families are treated in its terrible wake.

Across Canada, legislators in other provinces and territories are also speaking to this issue on behalf of countless victims whose voices are often neglected and excluded from the debate on matters dramatically affecting their lives.

Government ministers, backbenchers and opposition members, as the case may be, will release statements, ask questions or speak in their legislatures about this issue.

Honourable senators, I do not believe we truly understand, or know the full extent of, the agony and suffering, or have a full grasp of the needs and challenges of this too-large a group of Canadians. For that reason, after debate on this inquiry is concluded, and I hope a number of honourable senators will participate, I intend to refer this issue to the appropriate Senate committee for a full and thorough study.

On motion of Senator Comeau, debate adjourned.

• (1700)

THE SENATE

MOTION TO URGE GOVERNMENT TO PROMULGATE ITS ENDORSEMENT OF THE PARIS COMMITMENT ON CHILD SOLDIERS—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire, pursuant to notice of March 1, 2007, moved:

That the Senate call on the Government of Canada to widely disseminate its endorsement of the *Paris Commitments to Protect Children from Unlawful Recruitment or Use by Armed Forces or Armed Groups*, known as the Paris Principles and adopted by 58 countries in Paris, France on February 6, 2007; and

That the Senate urge the Government of Canada to take a global leadership role in the campaign of eradicating child soldiers as enunciated in the *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict* (2000) as well as Security Council resolutions 1539 (2004) on Children in Armed Conflict, and 1612 (2005) on Monitoring and Reporting on Violations Against Children in War.

He said: Honourable senators, I know I will be speaking beyond 15 minutes and I will be asking my colleagues to give me that extra time. Therefore I will accept a deferral, if I can, of this item to the next sitting and hope that the two deputies can get together in permitting me to go forward with that. I will also speak to the motion on nuclear non-proliferation on that same date, if that is possible.

On motion of Senator Dallaire, debate adjourned.

[Translation]

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, April 17, 2007, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Motion agreed to.

[English]

The Hon. the Speaker: Honourable senators, is it agreed that the Senate do now adjourn at pleasure to reassemble at 5:30 p.m., and that the bells ring for 15 minutes?

Hon. Senators: Agreed.

The Senate adjourned during pleasure.

• (1730)

[Translation]

ROYAL ASSENT

Her Excellency the Governor General of Canada having come and being seated on the Throne, and the House of Commons having been summoned, and being come with their Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act (*Bill S-3, Chapter 5, 2007*)

An Act to amend the law governing financial institutions and to provide for related and consequential matters (*Bill C-37, Chapter 6, 2007*)

An Act to amend the Hazardous Materials Information Review Act (*Bill S-2, Chapter 7, 2007*)

The Honourable Peter Milliken, Speaker of the House of Commons, then addressed her Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Honour the following bills:

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (*Bill C-49, Chapter 3, 2007*)

An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (*Bill C-50, Chapter 4, 2007*)

To which bills I humbly request Your Excellency's assent.

The Honourable the Governor General was pleased to give the Royal Assent to the said bills.

The House of Commons withdrew.

The Honourable the Governor General was pleased to retire.

The sitting was resumed.

The Senate adjourned until Tuesday, April 17, 2007, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, March 29, 2007

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30	07/03/29	7/07
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs	06/12/06	0 observations + 2 at 3rd	07/02/15	07/03/29	5/07
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30	07/02/20	(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
				(bill 07/02/20 Legal and Constitutional Affairs)					
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03	06/10/31	Banking, Trade and Commerce	06/11/09	0	06/11/23	06/12/12	8/06

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1 st	2 nd	Committee	Report	Amend	3 ^d	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 Observations + 3 at 3 rd (including 1 amend. to report) 06/11/09 disagree with Total 158	06/11/09 Message from Commons- agree with 52 amendments, 06/11/09 disagree with 102, agree and disagree with 1, and amend 3 06/11/21	06/12/12	9/06
							Referred to committee 06/11/23		
							Report adopted 06/12/07		
							Message from Commons- agree with Senate amendments 06/12/11		
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications	06/12/12	3 observations	06/12/13	07/02/01*	1/07
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology	06/11/02	0 observations	06/11/03	06/12/12	5/06
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-9	An Act to amend the Criminal Code (conditional sentence of imprisonment)	06/11/06	07/02/27	Legal and Constitutional Affairs					
C-11	An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts	07/03/01	07/03/28	Transport and Communications					
C-12	An Act to provide for emergency management and to amend and repeal certain Acts	06/12/11	07/03/28	Special Committee on the Anti-terrorism Act					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
C-16	An Act to amend the Canada Elections Act	06/11/06	06/11/23	Legal and Constitutional Affairs	07/02/15	0 + 1 at 3 rd	07/03/28		
C-17	An Act to amend the Judges Act and certain other Acts in relation to courts	06/11/21	06/12/11	National Finance	06/12/12	0 observations	06/12/13	06/12/14*	11/06
C-18	An Act to amend certain Acts in relation to DNA identification	07/03/29							
C-19	An Act to amend the Criminal Code (street racing) and to make a consequential amendment to the Corrections and Conditional Release Act	06/11/02	06/11/21	Legal and Constitutional Affairs	06/12/14	0 observations	06/12/14	06/12/14*	14/06
C-24	An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence	06/12/06	06/12/12	National Finance (withdrawn) 6/12/13 Foreign Affairs and International Trade	06/12/14	0 observations	06/12/14	06/12/14*	13/06
C-25	An Act to amend the Proceeds of Crime (Money Laundering) and Terrorist Financing Act and the Income Tax Act and to make a consequential amendment to another Act	06/11/21	06/11/28	Banking, Trade and Commerce	06/12/14	0 observations	06/12/14	06/12/14*	12/06
C-26	An Act to amend the Criminal Code (criminal interest rate)	07/02/07	07/02/28	Banking, Trade and Commerce					
C-28	A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/12/11	07/01/31	National Finance	07/02/13	0	07/02/14	07/02/21*	2/07
C-31	An Act to amend the Canada Elections Act and the Public Service Employment Act	07/02/21	07/03/21	Legal and Constitutional Affairs					
C-34	An Act to provide for jurisdiction over education on First Nation lands in British Columbia	06/12/06	06/12/11	Aboriginal Peoples	06/12/12	0	06/12/12	06/12/12	10/06
C-36	An Act to amend the Canada Pension Plan and the Old Age Security Act	07/03/20							
C-37	An Act to amend the law governing financial institutions and to provide for related and consequential matters	07/02/28	07/03/21	Banking, Trade and Commerce	07/03/29	0	07/03/29	07/03/29	6/07
C-38	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No. 2, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	6/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-39	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.3, 2006-2007</i>)	06/11/29	06/12/05	—	—	—	06/12/06	06/12/12	7/06
C-49	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2007 (<i>Appropriation Act No.4, 2006-2007</i>)	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	3/07
C-50	An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2008 (<i>Appropriation Act No.1, 2007-2008</i>)	07/03/26	07/03/27	—	—	—	07/03/28	07/03/29	4/07

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-252	An Act to amend the Divorce Act (access for spouse who is terminally ill or in critical condition)	07/03/22							
C-277	An Act to amend the Criminal Code (luring a child)	07/03/29							
C-288	An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol	07/02/15	07/03/29	Energy, the Environment and Natural Resources					
C-292	An Act to implement the Kelowna Accord	07/03/22							
C-293	An Act respecting the provision of official development assistance abroad	07/03/29							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafshein)	06/04/05							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05	06/10/31	Energy, the Environment and Natural Resources	07/02/14	0			
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05	06/10/31	Legal and Constitutional Affairs					
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05	06/12/14	Human Rights					
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25	06/12/14	Energy, the Environment and Natural Resources					
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25	06/12/13	Energy, the Environment and Natural Resources					
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs	06/12/06	1	06/12/07		
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology	06/12/14	0	06/12/14		
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17	07/02/20	National Finance					
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30	06/12/13	Aboriginal Peoples					
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15	06/11/02	Legal and Constitutional Affairs					
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03	06/11/28	Fisheries and Oceans	06/12/11	16	06/12/14		
S-221	An Act to establish and maintain a national registry of medical devices (Sen. Harb)	06/11/01							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-222	An Act to amend the Immigration and Refugee Protection Act and to enact certain other measures, in order to provide assistance and protection to victims of human trafficking (Sen. Phalen)	07/02/01							
S-223	An Act to amend the Access to Information Act (Sen. Milne)	07/02/15							

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No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs	06/12/06	0	06/12/07	07/02/21*	

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